HOUSE JOURNAL

SECOND SESSION

MONTANA LEGISLATURE,

COMMENCING MONDAY, MARCH 5, 1866,

AND ENDING

FRIDAY, THE THIRTEENTH DAY OF APRIL, 1866.

PUBLISHED BY AUTHORITY OF THE SECRETARY.

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HOUSE JOURNAL

SECOND SESSION MONTANA LEGISLATURE.

FIRST DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Monday, March 5th, 1866.

The Legislative Assembly of Montana Territory assembled in Virginia City on Monday, March 5, 1866.

On motion of Mr. Mayhew, Mr. Maxwell was unanimously elected Speaker pro tem.

On motion of Mr. Mayhew, John F. Rucker was unanimously declared Clerk pro tem.

On motion of Mr. Mayhew, the members present were requested to hand in their credentials.

Moved by Mr. Mayhew that a committee of three be appointed on Credentials. Carried, and the Chair appointed Messrs. Mayhew, Smith and McCullough.

Moved by Mr. Mayhew that the House adjourn until three o'clock p. m., and that the Committee have until that time to report; motion carried, and the House adjourned.

AFTERNOON SESSION.

House met with Speaker pro tem. in the Chair.

Mr. Mayhew, Chairman of the Committee on Credentials, made the following report:

We, Committee on Credentials, appointed by the Speaker pro tem. of the Legislative Assembly of Montana Territory, beg leave to submit the following report, to wit: Beaverhead county is entitled to two members of the House of Representatives, viz: A. J. Smith and H. D. Herd.

Madison county is entitled to six members, to wit: A. V. Corry, G. H. Hanna, L. Daems, J. N. Rice, J. S. McCullough, and James McElroy.

Deer Lodge and Choteau counties are entitled to one Representative, viz: A. E. Mayhew.

Missoula county to one, J. LaFontaine.

Jefferson, Gallatin, and Edgerton counties, R. B. Parrott, A. S. Maxwell. and R. W. Mimms are entitled to their seats from said counties.

We further find that James Gallaher and Dr. Robertson have certificates of election.

A. E. MAYHEW,
A. J. SMITH,
J. S. MCCULLOUGH.

Report received and committee discharged.

The question was put to the House on the adoption of the report, and the ayes and nays being called for, was lost by the following vote: Ayes 5, nays 6.

On motion of Mr. Mayhew, a special Committee was appointed upon the Credentials of members from the counties of Edgerton, Jefferson and Gallatin.

The Speaker appointed the following gentlemen: Messrs. Mayhew, Smith, Hanna, Rice, Daems and Corry as said committee.

On motion of Mr. Mayhew, the House adjourned to 10 o'clock, a. m., to-morrow.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

SECOND DAY.

HOUSE OF REPRESENTATIVES, Virginia City, M. T., March 6, 1866.

House met at 10 o'clock a. m. Speaker pro tem. in the Chair.

Mr. Mayhew, as Chairman of the Committee on Credentials from Jefferson, Edgerton and Gallatin counties, made the following report:

We, the select Committee appointed by the Speaker pro tem. of the House of Representatives, to whom was referred the Credentials of the members representing the district comprising the counties of Jefferson, Gallatin and Edgerton, beg leave to submit the following report, to wit: After investigating and carefully examining the returns of the said several counties, now in the Governor's office, find the following state of facts to exist: That the county of Jefferson embraced the said district, and that afterwards, by act of the Legislature, said Jefferson county was divided into three counties, viz: Gallatin, Edgerton and Jefferson; and further, that on the 4th day of September, A. D. 1865, there was an election held in said counties, for Representatives of the said Territory for three members, and that, according to the returns of election of the said counties, we find the following result: R. B. Parrott, R. W. Mimms and A. S. Maxwell received the largest number of votes cast, and are entitled to their seats as Representatives for said district, and that they have certificates from the proper counties. All of which is respectfully submitted.

A. E. MAYHEW, Ch'm.
L. DAEMS,
A. J. SMITH,
GEO. H. HANNA,
J. A. RICE.

Report received and Committee discharged.

On motion of Mr. Smith, the Chair appointed Messrs. Mayhew, and Smith as a committee of two to wait upon the Governor, and ask that he administer the oath of office to the members of the House.

On motion of Mr. Smith, the roll was called, and the absentees ordered to be brought in.

On motion of Mr. Mayhew, the Editors of the "Democrat" and "Post" were allowed seats in the House, so that they may report the proceedings of the same.

His Excellency, the Governor, escorted by the committee, here appeared, and administered the following oath to the following members, to wit: L. Daems, G. H. Hanna, A. S. Maxwell, A. E. Mayhew, J. S. McCullough, Jas. McElroy, R. W. Mimms, R. B. Parrott, J. N. Rice, A. J. Smith, and H. D. Herd. I do solemnly swear that I will support the Constitution of the United States, and the Organic Act of the Territory of Montana, and that I will perform the duties of the office of member of the Legislative Assembly of the Territory of Montana, to the best of my ability, so help me God.

Messrs. McCormick, Phelps and Merriman, a Committee from the Council, announced that the Council was organized and ready for business.

On motion of Mr. Mayhew, the House proceeded to a permanent organization.

Nominations for Speaker being announced as in order, Mr. Mimms put in nomination Mr. Parrott, of Edgerton; Mr. Hanna nominated Mr. Mayhew. Mr. Mayhew, receiving a majority of the votes cast, was declared duly elected as Speaker, and was conducted to the Chair by Mr. Parrott.

For the office of Chief Clerk, Mr. Daems nominated Mr. John F. Rucker. Mr. McCullough nominated Mr. G. W. Hynson. A vote was taken, which resulted in the election of Mr. Rucker as Chief Clerk.

On motion of Mr. Maxwell, W. H. Chiles was elected Assistant Clerk.

On motion of Mr. Maxwell, G. W. Hynson was elected Engrossing Clerk.

On motion of Mr. Mimms, Mr. Devine was elected Enrolling Clerk.

On motion of Mr. Hanna, Mr. Deasy was elected Sergeant-at-Arms.

On motion of Mr. McCullough, Master Woody Hudgins was elected Page of the House by acclamation.

For Door Keeper, Mr. Daems nominated D. W. Morrison; Mr. Maxwell, W. F. Reddick; Mr. Parrott nominated John Arnold; Mr. McCullough nominated H. J. Johnson. A vote was taken with the following result: Reddick 4, Morrison 3, Arnold 3, Johnson 1.

There being no rules in force, Mr. Smith moved that the rules adopted last winter by the Legislature be in force temporarily. Carried.

Mr. McCullough moved that said rules be printed, but withdrew the motion.

Mr. Smith moved that the rules requiring a majority of all the members present to elect, be suspended. Carried. And a second vote was taken, which resulted in the election of Mr. Johnson as Door Keeper.

On motion of Mr. Smith, the Clerk was instructed to inform the Council that the House had organized legitimately, A. E. Mayhew, Speaker, and were ready to receive any communication.

On motion of Mr. Smith, it was resolved, that a Committee of two be appointed by the Chair to invite the Council to take seats with us at 2 o'clock to hear the Governor's message.

The Chair appointed Messrs. Smith and McElroy as such committee.

Mr. Parrott offered the following resolution:

Resolved, That the freedom of this House be extended to all of the Territorial officers, the officers of the City of Virginia, and the members of the Bar of the Territory.

Mr. Smith asked to add the ex-members of the Legislature, which was accepted, and the resolution, as amended, was adopted.

A motion, made by Mr. Smith, that all the officers elected now come forward and be sworn in, was carried.

Messrs. Rucker, Devine and Deasy were then sworn in by the Speaker.

Mr. Mimms then offered the following:

Resolved, That a Committee of three be appointed to report rules for the House to-morrow morning at ten o'clock, a. m. Carried.

And Messrs. Mimms, Parrott and Daems were appointed.

Mr. Smith moved to adjourn to half-past one o'clock, p. m. Withdrawn at the request of Mr. Maxwell, to suggest that the Speaker be sworn in.

Mr. Maxwell withdrew his suggestion, and the original motion to adjourn being renewed, the House adjourned to half-past one p. m.

AFTERNOON SESSION.

House called to order by Mr. Speaker.

Roll called — Present, Daems, Maxwell, Mimms, Rice, Smith, Weed and Mr. Speaker, 7. Absent, Messrs. Hanna, Corry, LaFontaine, McCullough, McElroy and Parrott, 6.

Mr. Mimms offered the following:

Resolved, That the House do now proceed to the election of Chaplain for this House.

Mr. Maxwell offered this amendment: That the Clergy of Virginia City be and they are hereby invited to officiate alternately as Chaplain to the House during its present session.

Mr. Parrott seconded Mr. Maxwell's amendment, with the understanding that the pay of Chaplain shall be distributed *pro rata*.

Amendment adopted by vote, and the resolution, as amended, received and carried.

Mr. Smith, Chairman of Committee to wait upon the Council, respounded as follows: Mr. Speaker, your committee, appointed to invite the Council to take seats with us, have discharged their duty, and the Council will meet us at two o'clock, to hear any communication the Governor may have to make.

On motion of Mr. Maxwell, the report was received and committee discharged.

Mr. Corry moved the adoption of the report, which was carried.

On motion of Mr. Rice, the following was adopted:

Resolved, That Mr. O. J. Goldrick, of the Salt Lake "Vedette," be entitled to the freedom of this House, that he may report the proceedings of this body if he so desire.

The Sergeant-at-Arms announced the arrival of the Council, and the two Houses went into joint-session, with Mr. Potter, President of the Council, in the Chair.

The rolls of both Houses were called, and all were present, except Mr. Leavett, of the Council, and Mr. LaFontaine, of the House.

On motion of Mr. McCormick, of the Council, a Committee of two from the Council and three from the House, were appointed to wait upon the Governor and inform him of joint-session; whereupon the Chair appointed Messrs. McCormick and Phelps, of the Council, and Messrs. Hanna, McCullough and Rice, of the House.

On motion of Mr. Merriman, of the Council, a committee of two from the Council, and three from the House, were appointed to prepare rules and regulations for joint-session.

Chair appointed Messrs. Merriman and Spratt, of the Council, Messrs. Maxwell, Corry and Smith, of the House.

The Committee appointed to wait upon the Governor, introduced his Excellency, who delivered his message.

On Motion of Mr. Bagg, of the Council, the joint-session adjourned.

Speaker Mayhew called the House to order.

Mr. Smith offered the following resolution:

Resolved, That two thousand copies of the Governor's message be printed for the use of the House.

Mr. McCullough offered an amendment to reduce the number, which was withdrawn. Voting on the passage of the resolution, the ayes and nays were called for, with the following result: Ayes, Corry, Daems, Hanna, Maxwell, McElroy, Rice, Smith and Weed, 8. Nays, McCullough, Mimms, Parrott, and Mr. Speaker, 4. Absent, Mr. LaFontaine.

Mr. Smith moved to adjourn to ten o'clock to-morrow. Withdrawn at request of Mr. McCullough, who asked that the Engrossing Clerk be sworn in. Mr. Hynson appeared and took the same obligation as the other officers of the House.

The Chief Clerk, Mr. Rucker, then administered the following oath to Mr. Speaker:

"I do solemnly swear that I will support the Constitution of the United States, and the Organic Act of the Territory of Montana, and faithfully discharge my duty as the Speaker of this House of Representatives of the Territory of Montana, so help me God."

A. E. Mayhew.

Mr. Parrott offered the following, which was adopted:

Resolved, That the Editor of the Montana "Radiator" be admitted to a seat in this House.

Mr. Parrott also proposed the following resolution, which was adopted:

Resolved, By the House of Representatives, that the Sergeant-at-Arms be directed to procure saw-dust, and have the same placed in the Lobby and upon the stairs leading to the Representatives' Hall.

On motion of Mr. Maxwell, it was

Resolved, That the Clerk be directed to present to the Clergy of the City copies of the resolution appointing Chaplains, and to request their acceptance.

Mr. Smith renewed his motion to adjourn. The House adjourned to, tomorrow morning at ten o'clock, a. m.

A. E. MAYHEW,
Speaker House of Representatives.

John F. Rucker, Clerk House of Representatives.

THIRD DAY.

House of Representatives, Virginia City, M. T.,
Wednesday, March 6th, 1866.

House met and called to order by Mr. Speaker. Roll called. Present:

Messrs. Daems, Hanna, McCullough, Mimms, Parrott, Rice and Mr. Speaker —8. Absent: Messrs LaFontaine, Corry, McElroy, Smith and Weed—5.

Yesterday's Journal read and approved.

Mr. Speaker announced the following Standing Committees:

On Ways and Means—Maxwell, Daems and Rice.

Judiciary—Parrott, Maxwell and Smith.

Internal Improvements—Corry, Hanna and Weed.

Public Lands—McCullough, McElroy and Mimms.

Federal Relations—Hanna, Parrott and Maxwell.

Education—Daems, Smith and Mimms.

Towns and Counties—Rice, McElroy and Mimms.

Military Affairs—Smith, Weed and McElroy.

Incorporations—McCullough Hanna and Rice.

Agriculture and Manufactures—Weed McCullough and Mimms.

Enrollment—Hanna, Daems and Corry.

Mr. Mimms presented a petition from citizens of Gallatin county for the establishment of a ferry across the Missouri river at Crow creek.

After being read, on motion of Mr. Corry, the petition was laid on the table.

Mr. Maxwell presented a petition from the citizens of Gallatin, Edgerton and Jefferson counties, asking the establishment of a ferry over the Missouri river at Oregon gulch.

Petition read and, on motion of Mr. Corry, was laid on the table.

Mr. Mimms, chairman of committee to report rules for the House of Representatives, reported as follows:

Mr. Speaker, Your committee to whom was referred the matter of reporting rules, beg leave to make the following report: That your committee, from the very short time allowed them, find the time is too short for your committee to perform its duties, and, therefore, ask for further time. Your committee would recommend that the rules of the last Legislature of the Territory be adopted for the present, and until such time as your committee shall report other rules.

R. W. Mimms, Chairman,
L. Daems,
R. B. Parrott.

Report received.

Mr. Maxwell, chairman of the committee to report rules for joint-session, reported as follows:

Mr. Speaker, The committee on Joint-Rules on part of the House, beg leave to report that they have conferred with a like committee appointed on the part of the Council, and have agreed on the following rules for the government of the two Houses, in joint-session. Here follows joint-rules.

Mr. Smith moved that the report be received, adopted, and the committee discharged, which was carried.

Mr. Mimms gave the following notice: Mr. Speaker, I will on to-morrow, or at a future day, introduce a bill for "An Act to incorporate the Helena Water Company."

No objection being made, Mr. Smith, introduced H. B. No. 1, entitled "An Act to provide increased compensation to officers in this Territory."

Bill read first and second times, and referred to committee on Judiciary.

Mr. Parrott offered the following:

Resolved, That a Standing Committee of three or four be appointed.

On motion of Mr. Smith, the resolution was adopted.

Mr. Smith offered the following:

Resolved, that a committee on Roads and Bridges be added to the list of Standing Committees.

On motion of Mr. Mimms, the resolution was adopted.

Mr. Mimms presented the following resolution, which was likewise adopted:

Resolved, That fifty copies of the list of Standing Committees, as announced by the Speaker, be printed for the use of the House.

Mr. McCullough offered the following resolution:

Resolved, That the additional committees be added to the printed list.

On motion of Mr. Smith, the said resolution was adopted.

Mr. Speaker suggested the election of a Fireman.

Mr. McCullough nominated W. T. Reddick, but withdrew his motion, and moved that Mr. Reddick be elected by acclamation, which was done.

Mr. Weed offered the following:

Resolved, That a committee on Printing be added to the list of Standing Committees.

Which resolution was adopted.

Mr. Corry moved the adoption of the report of the committee on Credentials of members from Edgerton, Gallatin and Jefferson counties, and that Messrs. Parrott, Maxwell and Mimms be declared entitled to seats on this floor.

Motion moved and carried.

Mr. Smith offered the original bill, entitled "An Act to provide increased compensation for officers in this Territory," to be read, which was done, and said bill referred to committee on Judiciary.

The Chair announced the following additional committees:

Committee on Finance—Parrott Maxwell and McCullough.

Committee on Roads and Bridges—Smith, McCullough and Daems.

Committee on Printing—Weed, Rice and Hanna.

On motion of Smith, the petition from citizens of Gallatin county, asking for a ferry over the Missouri river at Crow creek divide, was taken up from the table, and, on motion, it was referred to the committee on Roads and Bridges.

Maxwell moved that the petition (2) from the citizens of Gallatin, Edgerton and Jefferson counties for a ferry on the Missouri river on Oregon gulch, be taken up, which was done, and said petition was referred to the committee on Roads and Bridges.

Smith made a motion that the committee on Rules be requested to report to-morrow at ten o'clock, which said motion was carried.

On motion of Mimms, the House adjourned to two o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment. Speaker in the Chair.

Roll called. Present—Daems, Maxwell, McCullough, Mimms, Rice and Speaker—6.

Absent—Corry, Hanna, LaFontaine, McElroy, Parrott, Smith and Weed—7.

By order of the House, the Sergeant-at-Arms was sent for absent members.

Parrott moved that the House now resolve itself into a Committee of the Whole, to consider the Governor's message, which motion was carried, and the House went into Committee of the Whole.

House resumed its session.

Speaker called Parrott to the Chair.

Mayhew moved that the House resolve itself into a Committee of the Whole on next Saturday, at three o'clock p. m., to consider the Governor's message.

Motion seconded and carried.

Mayhew introduced a joint-resolution, asking the Governor for certain election returns, which was read the first time.

Smith moved the second reading.

Maxwell objected to their introduction, but was ruled out of order, as being too late.

Resolution read second time, and referred to committee on Election.

Mimms offered the following resolution:

Resolved, That the House now proceed to the election of a Chaplain of the House.

Mayhew moved to lay the motion on the table. Seconded.

Ayes and Nays called for.

Ayes—Daems, Hanna, McCullough, McElroy, Parrott, Rice, Weed, and Speaker—9.

Nays—Corry, Mimms and Smith—3.

Resolution laid on the table.

McCullough offered a resolution that no Chaplain be chosen for the House.
Maxwell moved its adoption, which was seconded.
Mimms moved to lay the said resolution on the table, and was seconded by Smith.
The Chair decided the motion out of order.
Mimms appealed to the House, and called for the ayes and nays.
Ayes—Corry, Daems, Hanna, McCullough, McElroy, Rice and Speaker—7.
Nays—Maxwell, Mimms, Smith and Weed—4.
Chair sustained.
Corry moved to lay the motion to adopt on the table. Seconded, and ayes and nays called for.
Ayes—Corry, Daems, Hanna, Parrott, Smith and Weed—6.
Nays—Maxwell, McCullough. McElroy, Mimms, Rice and Speaker—6.
Motion lost.
Mayhew called for the previous question, and asked for the ayes and nays.
A vote was taken with the following result:
Ayes—Maxwell,, McCullough, McElroy and Rice—4.
Nays—Corry Daems, Hanna, Mimms, Parrott, Smith, Weed and Speaker—8.
The motion to adopt the resolution lost.
Mimms moved to reconsider the vote by which the resolution was adopted yesterday in regard to the Chaplainship, which motion was carried.
Corry moved that we now elect a Chaplain. Seconded and carried.
Mayhew nominated Father Giorda; Mimms nominated Rev. Mr. Austin, and Smith nominated Mr. Smith.
A vote was taken with the following result:
For Rev. Mr. Smith—Smith—1; For Rev. Mr. Giorda—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Parrott, Rice, Weed and Speaker—10; Rev. Mr. Austin—Mimms—1.
The Rev. Father Giorda was declared duly elected Chaplain, and the Sergeant-at-Arms was instructed to inform him of the same, and ask that he be present at the meeting of the House in the morning.
Mayhew begged leave to introduce, without previous notice, H. B. No. 2, entitled, "An Act creating the militia of the Territory of Montana, and regulating the same."
No objection being made, the resolution was introduced.
Maxwell objected to the introduction without due notice.
The Chair declared him out of order.
Maxwell moved to adjourn, which was lost.
The Clerk was called upon to proceed with the reading.
Maxwell asked for the rule to be read, but withdrew his request.
Bill read first and second times, and referred to committee on Military Afairs.
Daems offered the following:
Resolved, That the Sergeant-at-Arms be instructed to procure a copy of each of the newspapers published in the Territory for the use of the members of the House during the session.
Daems withdrew his resolution.
Smith moved that a committee of three be appointed to wait upon the Governor, and see how many, and what papers, will be furnished this body.
Motion carried.
Chair appointed as such committee, Smith, Maxwell and Mayhew.
Speaker took the Chair.
On motion of Mimms, the House adjourned to to-morrow at ten o'clock a. m.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Clerk House of Representatives.

FOURTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.
THURSDAY, March 8th, 1866.

House met pursuant to adjournment. Speaker in the Chair.

Roll called. Present — Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed and Speaker,

Absent — Corry, Daems, Hanna, LaFontaine and McElroy.

Yesterday's journal read and approved.

Speaker announced to the House that Rev. Father Giorda was busy, and could not appear this morning; but would attend hereafter regularly as Chaplain.

Mimms, chairman of committee on Elections, reported as follows:

Mr. Speaker: Your committee, to whom was referred a joint-resolution to request the Governor to furnish certain election returns, have had the same under consideration, and recommend that it do pass.

R. W. Mimms, Ch'n,
L. Daems.

Report received.

Parrott, chairman of committee on Judiciary, to whom was referred H. B. No. 1, entitled, "an Act to provide increased compensation to officers in this Territory," beg leave to report that they have had it under consideration, and report the same back to the House, with the recommendation that it be passed.

R. B. Parrott, Ch'n,
A. J. Smith,
A. S. Maxwell.

Mimms, chairman of committee on Rules, reported:

Mr. Speaker: Your committee, to whom was referred the matter of reporting rules for the government of the House, beg leave to submit the following: Your committee have examined carefully the rules temporarily adopted by the House, and have made some amendments thereunto, all of which your committee recommend to the House for thier adoption.

R. W. Mimms, Ch'n,
R. B. Parrott,
L. Daems.

Report referred back to the committee to specify their amendments to the said rules.

Smith, chairman of committee to see the Governor in relation to papers for the House, asked an extension of time, which was granted.

Mimms gave notice that on to-morrow, or some subsequent day, he would introduce a bill for "An Act for the better observance of the Lord's Day."

McCullough — that on to-morrow, or some subsequent day, he would introduce a bill authorizing Solomon H. Miller to establish a ferry on Jefferson river.

Mimms, pursuant to notice, introduced H. B. No. 3, entitled "An Act to incorporate the Helena Water Company."

Bill read first and second times, and, on motion of Parrott, was referred to a select committee.

Chair appointed on said committee, Parrott, McCullough and Maxwell.

Smith offered the following:

Resolved, That the committee on Judiciary be requested to propose a new Fee Bill.

On motion of Daems, the resolution was adopted.

Mimms offered the following:

Resolved by the House, That the committee on Incorporations be, and is hereby instructed, to report a general Incorporation Act for the House.

Mimms withdrew his resolution.

Parrott offered the following:

Resolved, That the Sergeant-at-Arms be instructed to procure a suitable chair for the Page of the House.

On motion of Smith, the resolution was adopted.

H. B. No. 1 read the third time, and vote taken for its final passage, as follows:

Ayes — Corry, Daems, Hanna, Maxwell, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker — 11.

Nays — McCullough. Absent, LaFontaine.

Joint-resolution requesting the Governor to furnish certain election returns were then read the third time.

Vote on the final passage of said resolution:

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker—12.

Nays—None. Absent, LaFontaine.

Parrott moved that the reason given by Father Giorda why he could not officiate as Chaplain be given, and spread upon the records.

Motion carried, and McCullough, in compliance with said resolution, gave the following: Father Giorda offered as an apology for his non-attendance to offer prayer in the House, after being invited, that he speaks the English language indistinctly.

Parrott offered the following:

Resolved, That the Secretary of the Territory, now Acting-Governor, be requested, if consistent with his duties, to furnish the House of Representatives with the laws of the Territory.

On motion of McCullough, the resolution was adopted.

On motion of Parrott, the House adjourned to two o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment. Speaker in the Chair.

Roll called. Present—Maxwell, McCullough, Mimms, Parrott, Rice, and Speaker.

Absent—Corry, Daems, Hanna, McElroy, Smith and Weed—6.

Mimms, chairman of committee on rules, reported:

Mr. Speaker: Your committee, to whom was referred the duty of reporting rules for the government of this House, beg leave to report that they have had the subject under consideration, and recommend that the rules adopted by the House of Representatives of this Territory, at its last session (hereto attached), be adopted by this House, with the following amendments, to wit:

1st. In rule 8th, 2d line, strike out the word "twice" and insert the word "once."

2d. In rule 13th, strike out the words "and proceed to the seconding of the same."

3. In rule 23d, 2d line, after the word "read," insert the words "at length."

4. In rule 24th, 4th line, strike out the word "once" and insert the word "twice."

5. In rule 38th, and in 13th division, Standing Committees, strike out the word "minerals" and insert the words "mining interests;" and after the committee on Enrollment insert:

16th. Committee on Finance.

17th. Committee on Roads and Bridges.

18th. Committee on Printing.

6. In rule 43, commencing on the 5th line, strike out the following words, to wit: "Those who have been members of Congress or the Legislative Assembly."

R. W. MIMMS, Ch'n,
R. B. PARROTT,
L. DAEMS.

McCullough moved that the report be received and the committee discharged, which was carried.

On motion of Parrott, the rules were taken up by numbers.

The amendments, and the rules as amended, were adopted.

On motion of Parrott, the rules were then adopted as a whole.

On motion of McCullough, it was then ordered that the rules be engrossed.

Maxwell then moved that fifty copies of the joint-rules be printed. Motion carried.

McCullough offered the following resolution:

Resolved by the House of Representatives, That the Sergeant-at-Arms of this House is instructed to procure books for the desks of the members of the House.

On motion of Maxwell, the resolution was adopted.

The following resolution, offered by McCullough, was, on motion of Parrott, adopted:

Resolved, That the privileges of the House of Representatives be extended to the ladies of Virginia City, and that they are respectfully invited to attend on the deliberations of the House.

On motion of Mimms, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

FIFTH DAY.

HOUSE OF REPRESENTATIVES, VIRINIA CITY, M. T.,
Friday, March 9th, 1866.

House met at the usual hour, with Speaker in the Chair.

Roll called. Present—Daems, Maxwell, McCullough, Mimms, Parrott, Rice, Smith and Speaker—9. Absent—Corry, Hanna, LaFontaine and Weed—4.

Yesterday's journal read and approved.

Smith, chairman of committee on Engrossment, reported as follows:

Mr. Speaker: Your committee on Engrossment, having examined the rules of the House, beg leave to report that they have examined the same, and find them correctly engrossed.

A. J. SMITH, Ch'n,
WEED,
R. W MIMMS.

On motion of McCullough, the report was received.

On motion of Parrott, fifty copies of the rules were ordered to be printed for the House.

Maxwell gave notice that on to-morrow, or some subsequent day, he would introduce the following bills, viz:

"An Act creating the county of Vivion, and establishing the county seal thereof."

"An Act authorizing Paul B. Anthony, I. H. Sholeet, and E. L. Rowland to establish a toll-road from Helena to Ophir City," and

"An Act authorizing Joseph W. Stafford and John R. Stafford to establish a ferry across the Missouri river near Oregon gulch."

Mimms, pursuant to notice, introduced H. B. No 4, entitled "An act for the better observance of the Lord's day."

Bill read first and second times, and referred to committee on Judiciary.

McCullough, pursuant to notice, introduced H. B. No. 5, entitled "An Act authorizing Solomon H. Miller, and his associates, to build and keep a ferry on Jefferson river.

Bill read first and second times, and referred to committee on Roads and Bridges.

The following communication was received from the Council:

Mr. Speaker, and Gentlemen of the House of Representatives: I am requested to inform you of the following resolution, adopted by the Council this morning:

Resolved, That it is the duty of the Chief Clerk of the Council to communicate to the House of Representatives, each morning during the session, a statement of all bills presented the day previous, and of the notices of the introduction of bills at a future day; and the House of Representatives be, and are hereby, respectfully requested to send to the Council, every day, a similar statement.

Respectfully submitted,
R. J. MITCHELL,
Chief Clerk of the Council.

Resolution read first and second times, and adopted.

Mr. Parrott, chairman of special committee on H. B. No. 3, asked until morning to report. Which request was granted.

Mr. Speaker asked Mr. Maxwell to take the Chair, and offered the following resolution:

Resolved by the House of Representatives of the Territory of Montana, That no private act of any kind pass this House, unless there is a petition of the inhabitants of the section of the country where the right is to be granted, setting forth the necessity of said act.

Mr. Daems moved its adoption, which was seconded.

Mr. Mayhew moved the House adjourn to 2 o'clock, p. m., and the question then be renewed.

House adjourned to 2 o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment. Speaker in the Chair.

Roll called. Present—Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Rice, Weed and Mr. Speaker—9.

Absent—Corry, LaFontaine, Parrott and Smith—4.

Mr. Mimms offered the following resolution:

Resolved by the House of Representatives of Montana Territory, That the committee on Incorporations be instructed to prepare a general Incorporation Act, for the consideration of the House, at their earliest convenience.

On motion of Mr. Rice, the resolution was adopted.

Mr. Parrott gave notice, that on to-morrow, or some future day, he would introduce a bill establishing fees of the Probate Court of this Territory.

Mr. Mayhew called for the resolution offered by him in the morning, and moved that it be the special order of the afternoon.

Motion seconded, and carried.

Mr. Parrott offered the following substitute, which was accepted by Mr. Mayhew:

Resolved by the House of Representatives of the Territory of Montana, That no private act of any kind pass this House, unless a petition, or other information, be communicated to the members of this House, as to the public utility of the proposed bill.

Mr. McCullough moved to postpone the resolution indefinitely. Seconded.

Ayes and nays called for.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Rice, Smith and Weed—10.

Nays—Parrott and Mr. Speaker—2.

Absent—LaFontaine—1.

Resolution postponed indefinitely.

Mr. Smith moved to adjourn.

Motion carried, and adjourned to 10 o'clock a. m., to-morrow.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Clerk House of Representatives.

SIXTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Saturday, March 10th, 1866.

Mr. Speaker called the House to order at the usual hour.

Roll called. Present—Daems, Maxwell, McCullough, McElroy, Mimms, Rice, Smith, Weed and Mr. Speaker—10.

Absent—Corry, Hanna and LaFontaine—3.

Father Giorda appeared, and thanked the House for giving him the position of Chaplain, and opened the proceedings with prayer.

Journal of yesterday read and approved.

Mr. Smith, chairman of the committee on Military Affairs, reported:

Mr. Speaker: Your committee on Military Affairs, to whom was referred H. B. No. 2, entitled "An Act to provide for the organization and government of the militia of Montana Territory," beg leave to report that we have had the same under consideration, and recommend that it do not pass.

A. J. SMITH, Chairman,
—— WEED,
JAS. MCELROY.

On motion of Mr. McCullough, the report was adopted.

Mr. Smith, chairman of committee on Roads and Bridges, reported:

Mr. Speaker: Your committee on Roads and Bridges, to whom was referred H. B. No. 5, entitled "an Act to authorize Solomon H. Miller to establish a ferry on, and erect a bridge across the Jefferson river, beg leave to report, that we have had the same under consideration, and recommend its passage. Your committee would respectfully recommend that the following blanks be filled up as follows:

Footmen, 25; man and horse, 50; loose horses and cattle, 15; sheep and hogs, 10; a wagon, with two horses, mules or oxen, 3.00; each additional span of horses, mules and oxen, 50.

A. J. SMITH Chairman.

Report received.

Mr. Mimms gave notice that he would, on Monday next, or some subsequent day, introduce "An Act amendatory of an act entitled 'An Act declaratory of the rights of occupancy of the public domain, except as against the United States.'"

Mr. Maxwell, pursuant to notice, introduced H. B. No. 6, entitled "An Act creating the county of Vivion, and establishing the county seat thereof."

Read first and second times, and referred to committee on Towns and Counties.

Mr. Maxwell, pursuant to notice, introduced H. B. No. 7, entitled "An Act authorizing Paul B. Anthony, J. H. Shobee and E. S. Rowland, to establish a toll road between Helena and Ophir city."

Read first and second times, and, on motion of Mr. McCullough, referred to select committee.

The Chair appointed as such committee, McCullough, Maxwell and Parrott.

Mr. Parrott offered the following resolution:

Resolved, That when any bill of a general nature shall have been introduced into this House, and read the first time, the House may, if they deem such bill of sufficient public importance, have the same printed and laid on the members' tables.

On motion of Mr. Smith the resolution was adopted.

H. B. No. 2, entitled "An Act creating the militia of the Territory and regulating the same," was read the third time, and passed to its final passage.

Vote on final passage:

Ayes—None.

Nays—Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—11.

Absent—Corry and LaFontaine.

Bill lost.

H. B. No. 5 was read for information, and, on motion of Mr. Parrott, was recommitted.

Mr. Smith offered the following resolution:

Resolved, That the committee on Printing be instructed to ascertain from the Public Printer if he will print the Journals of this House without any expense to the Territory.

On motion of Mr. Mimms, the resolution was adopted.

Mr. Smith moved to adjourn.

Motion carried, and the House adjourned to two o'clock p. m.

AFTERNOON SESSION.

Daems called the House to order at the stated hour.

Roll called. Present—Daems, Hanna, McCullough, Maxwell, McElroy, Mimms, Parrott, Rice, Smith and Weed—10.

Absent—Corry, LaFontaine and Mr. Speaker—3.

Weed, chairman of committee on Printing, reported as follows:

Mr. Speaker: Your committee on Printing have discharged their duty as directed, concerning the resolution offered this morning by Smith, and submit the answer of the Public Printer as their report.

—— WEED, Chairman.

Messrs. Weed, Rice and Hanna, committee on Printing:

Gentlemen: The resolution handed me by you is received. In answer to same I have to say, that for all the work I am doing for the Legislature, or expect to do, I look to the General Government, if *ordered*, in accordance with the instructions of the Secretary of the Territory, as contained in an extract from the Journal of the House of Representatives of the Legislature of Colorado Territory, at its session of 1864. I have consulted with his Excellency Acting-Governor Meagher, who is also Secretary of Montana Territory, and he adopts the instructions I enclose, of the Secretary of the Territory, as the rule by which he will be governed, in the absence of other information from the Treasury Department.

If the Journals are printed as you desire, so as to lay them on the tables of the members each morning, it will have to be paid by the Territory of Montana, as the Secretary of the Territory, in the instructions I enclose, claims the right, under existing laws, to regulate the price and quantity of Territorial printing; and it has not been the practice of late years, either in Congress or Legislatures, to print the journals until after the adjournment of the Legislature, and they are distributed with acts present.

Respectfully yours, JOHN P. BRUCE.

No objections being made, Hanna gave notice that on Monday next he would introduce a bill, entitled "An Act divorcing John H. Godfrey and Mary E. Godfrey."

The consideration of the Governor's message being the special order of the evening, the House went into Committee of the Whole.

The Speaker called Smith to the Chair, and as chairman of the Committee of the Whole, asked to be given until Monday to report, which was granted.

Mayhew moved to adjourn to Monday, at 10 o'clock a. m.

Motion carried, and House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Clerk House of Representatives.

SEVENTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
MONDAY, March 12th, 1866.

House met pursuant to adjournment. Speaker in the Chair.

Roll called. Present—Corry, Daems, Hanna, McCullough, Mimms, Rice, Parrott, Smith, Weed, and Mr. Speaker—10.

Absent—LaFontaine and McElroy—2.

Yesterday's Journal read and approved.

McCullough presented a petition from the citizens living along the road running from Virginia City to Confederate Gulch, via Hot Springs and Crow creek, asking that said road be left in the hands of the people.

Petition read and referred to committee on Incorporations.

Parrott, chairman of committee on Judiciary, to whom was referred H. B. No. 4, a bill for an act entitled, "An Act for the better observance of the Lord's day," beg leave to report that they have had the same under consideration, and recommend that it do pass, with the following amendments, to wit: Strike out all of section 3, and transfer section 4 to 3, section 5 to 4, section 6 to 5, section 7 to 6, and section 8 to 7. R. B. PARROTT, Chairman.

Report received.

McCullough, chairman of the committee on Incorporations, reported:

Mr. Speaker: The committee on Incorporations, having been instructed to report to the House a bill entitled "An Act of general incorporation," have had the same under consideration, and have examined several acts on the subject, and believing that an act of this nature, at this time, would be unwise, your committee, therefore, have declined to draw up such bill, as much time and labor would be required, and no good results would be likely to follow.

J. S. MCCULLOUGH, Chairman.
J. N. RICE,
GEO. H. HANNA.

On motion of Parrott, the report was received and laid on the table for further consideration.

Rice, chairman of committee on Towns and Counties, reported:

Mr. Speaker: Your committee, to whom was referred H. B. No. 6, entitled "An Act creating the county of Vivion and establishing the county seat thereof," have had the same under consideration, and your committee ask leave to refer back the same with the following amendments, and recommend that the bill pass as amended:

Section 1, line 7—After the words "crosses the," strike out the following words: "line of latitude, forty-eight north," and insert the words "Missouri river."

Same section, line 8—After the words "hence east," strike out the following words: "On said line of latitude, forty-eight north," and insert the words "following down the Missouri river."

Section 2, line 1—After the word "that," strike out the word "Certcheville," and insert the word "Kerchival."

Your committee would respectfully submit the following additional section:

Section 3.—That the Governor shall have the power to appoint the necessary county officers for said county, who shall hold their respective offices until their successors shall have been elected at the next general election, after the passage of this act, and be qualified according to law.

Also, strike out the figure (3) three, in section (3) three, and insert the figure (4) four.

All of which your committee respectfully submit.

J. N. Rice, Chairman,
Jas. McElroy,
R. W. Mimms.

Report received.

Smith, chairman of committee on Roads and Bridges, reported:

Mr. Speaker: Your committee on Roads and Bridges, to whom was referred H. B. No. 5, entitled "An Act to authorize Solomon H. Miller to establish a ferry on, and erect a bridge across, the Jefferson river," would most respectfully recommend that this honorable body resolve itself into a Committee of the Whole on said bill, at its earliest convenience.

A. J. Smith, Chairman.

Report received.

On motion of McCullough, the report was adopted.

McCullough, chairman of select committee on H. B. No. 7, offered a report, which was recommitted, as not being in accordance with the rules.

Parrott, chairman of select committee on H. B. No. 3, asked until to-morrow morning to make a report. Time granted.

Parrott gave notice that he would, on to-morrow or some subsequent day, introduce an act, entitled "An Act creating the office of township Assessor, and defining their powers and duties."

Smith gave notice that he would, on to-morrow or some subsequent day, introduce a bill to incorporate the Jefferson River Water Ditch Co.

Parrott gave notice that he would, on to-morrow or some subsequent day, introduce an act, entitled "An Act for the protection of the agricultural interests of the Territory."

Hanna, pursuant to notice, introduced H. B. No. 8, entitled "An Act divorcing John F. Godfrey and Mary E. Godfrey."

Bill read 1st and 2d times, and, on motion, referred to a select committee.

The Speaker appointed as said committee, Hannah, McCullough and Smith.

Maxwell, pursuant to notice, introduced H. B. No. 9, entitled "An Act authorizing Joseph V. Stafford and John R. Stafford to establish a ferry on the Missouri river."

Bill read 1st and 2d time.

Smith moved that the House go into Committee of the Whole, at two o'clock this afternoon, to consider said bill and similar ones. Motion seconded and carried.

H. B. No. 1, "An Act to repeal an act, entitled 'An Act to provide increased

compensation to officers in the Territory,'" was reported back by the Council as having passed, with the following amendments:

By inserting the following section after section 1st:

Section 2d.—*Be it further enacted*, That all acts and parts of acts passed at the last session of the Legislative Assembly of the Territory of Montana, allowing additional, or any, compensation to the Governor, Judges of the Supreme or District Courts, or members of the Legislative Assembly, or any officer of the Council or House of Representatives, be, and the same is hereby repealed; and the Territorial Auditor and Treasurer are hereby prohibited from auditing, allowing or paying any demand arising from or under such law or laws.

Bill read, as amended by the Council, for information.

Smith moved that the amendment be made a special order for the afternoon session, in Committee of the Whole. Carried.

H. B. No. 4, entitled "An Act for the better observance of the Lord's day," read for information, and referred back to proper committee.

H. B. No. 6, entitled "An Act creating the county of Vivion, and establishing the county seat thereof," read for information, and referred to Committee of the Whole.

The following communication from the Governor was read:

SECRETARY'S OFFICE,
Virginia City, M. T., March 12th, 1866.

To the Honorable Speaker of the House of Representatives:

SIR: I have the honor to enclose to you, for the consideration of the House of Representatives, a petition from S. B. Mathews, of this Territory, praying for an appropriation to organize and equip an escort force of one hundred men to proceed to Fort Benton and Fort Union, where the interests of business, in which the Territory is greatly concerned, requires their presence. I recommend an appropriation for the purpose—having some reason to believe that the application is demanded by the circumstances.

And I have the honor to be,
Your obedient servant,
THOS. FRANCIS MEAGHER,
Secretary and Acting-Governor.

Message and petition referred to committee on Finance.

The following communication from the Governor was then read:

EXECUTIVE OFFICE, TERRITORY OF MONTANA,
Virginia City, March 12th, 1866.

The Hon. A. E. Mayhew, Speaker of the House of Representatives:

SIR: I have made arrangements with the postmaster of this city, by which the postage on all communications of the presiding officers, the chief clerk, and the members of each House of the Legislative Assembly, marked "official business," with their signature and official title, will be paid and forwarded by him during the present session.

I have the honor to be,
Your obedient servant,
THOS. FRANCIS MEAGHER,
Secretary, M. T.

The Speaker called McCullough to the Chair, and gave notice that on to-morrow he would introduce a bill regulating the Probate Court, and fixing the place of holding the same, in Deer Lodge county.

Mayhew, as chairman of the Committee of the Whole on the Governor's message, reported as follows:

Mr. Speaker: The Committee of the Whole, having had the same under consideration, beg leave to make the following report, to wit:

1st. That portion of the message relating to the laws passed by the last Legislature, having been revised and codified by the commission appointed for the purpose, be referred to the committee on Judiciary.

2d. That portion of the message relating to military matters, and of the

calling out of the militia of the Territory, be referred to the committee on Federal Relations.

3d. All that portion of the message relating to Indian difficulties, be referred to the committee on Finance.

4th. All that portion of the message which relates to appropriations for the Territory, be referred to the committee on the Judiciary, and that the said committee be instructed to prepare a memorial to Congress upon the subject.

5th. All that portion of the message relating to the communication between this Territory and the other Territories, and the States, be referred to the committee on Judiciary.

6th. All that portion of the message which relates to the division of the Territory, be referred to the committee on Federal Relations, and that they be instructed to prepare a memorial to Congress on the subject.

7th. All that portion of the message which relates to the sale of mineral lands by the General Government, be referred to the committee on Mines and Mineral Lands, and that they be instructed to prepare a memorial to Congress upon the subject.

8th. All that portion of the message which relates to the calling of the Legislature, be referred to the committee on Judiciary.

9th. All that portion of the message which relates to the calling of the Convention at Helena on the 26th of March, 1866, by the Governor, be referred to the committee on Judiciary.

All of which the committee respectfully submit.

A. E. MAYHEW,
Chairman of the Committee of the Whole.

On motion of Smith, the report was received and adopted.

Parrott moved that fifty copies of the report be printed for the use of the House.

Motion seconded and carried.

On motion of Mayhew, Joint Resolution No. 1, asking the Governor for certain election returns, was ordered engrossed.

On motion of Smith, the House adjourned to 2 o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment. Speaker in the Chair.

Roll called. Present—Daems, Maxwell, McCullough, McElroy, Mimms, Smith, Parrott, Rice, and the Speaker—9.

Absent—Corry, Hanna, LaFontaine, Smith and Weed—5.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment beg leave to report, that they have examined J. R. No. 1, and find the same correctly engrossed.

A. J. SMITH, Chairman.

Report received.

House went into Committee of the Whole.

House resumed its sitting.

The Speaker called Smith to the Chair, and gave notice that on to-morrow he would introduce a bill to incorporate the Virginia City, Stirling City and Helena City Wagon Road Company.

Mayhew gave notice that he would, on Friday next, introduce a bill amendatory of an act entitled "An Act relating to granting writs of injunction."

On motion, House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Clerk House of Representatives.

EIGHTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T., }
Tuesday, March 13th, 1866. }

The House was called to order at the usual hour, by the Speaker.

Roll called. Present—Hanna, Maxwell, Mimms, McElroy, Parrott, Rice, Smith, Weed and the Speaker—9.

Absent—Corry, Daems, LaFontaine and McCullough—4.

Prayer by the Chaplain.

Yesterday's Journal read and approved.

Daems presented a petition from the citizens of Madison County, asking the House for a charter to H. J. Amerson & Co., for a wagon road from Virginia City to Madison Valley and Hot Springs.

Petition read and referred to committee on Incorporations.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred H. B. No. 4, an act entitled "An Act for the better observance of the Lord's day," beg leave to report that they have had said bill under consideration, and recommend its passage with the following amendments, to wit:

In section 1, after the word "chance," in the 6th line, strike out the words, "or engage in any money amusement."

Also, in the 2d line of 1st section, strike out the words "play houses or."

Strike out all of section 3, and transfer section 4 to 3, 5 to 4, 6 to 5, 7 to 6, and 8 to 7.

R. B. PARROTT, Chairman.

Report received.

Parrott, chairman of select committee to whom was referred H. B. No. 3, entitled "An Act to incorporate the Helena City Water Company," beg leave to report that they have had said bill under consideration, and find that the following facts exist in regard thereto, to wit:

The bill seeks to grant to a company residing in Helena City, Montana Territory, the exclusive right to take possession of, and convey water to, said city, for the use of the inhabitants thereof, the water of certain springs in Last Chance and Grizzly Gulches, charging therefor certain rates designated in said bill; and that said company have now possession of the lowermost spring, and are conveying the water therefrom to said city in bored logs, placed under ground.

Your committee find further, that the two springs nearest to said city, offered the only pure water within reasonable reach of the inhabitants of said city; and that a sufficient amount of said water should be reserved for the use of the inhabitants of said city. Your committee further find, that there is from four to five thousand inhabitants in said city, who will be likely to use and pay toll for said water, and the cost of constructing the means of conveying said water was most extraordinary, and a fair remuneration for the expense and trouble of completing said works and conveying and delivering said water, will be realized from the tolls hereafter recommended to be charged for the use of said water.

Your committee cannot see any good reason for giving to one company the exclusive right to all the pure water within the reach of said city.

Your committee would therefore respectfully recommend the passage of said bill with the following amendments, to wit:

Sec. 2. Said company shall have the right to take the water of the lower spring, situated in Last Chance Gulch, on the south side, near the upper end of Helena City, in the county of Edgerton and Territory of Montana, and shall have the right to convey said water in pipes or bored logs, placed under ground, to said Helena City, and shall have the right to lay their pipes, or bored logs, under ground, as aforesaid, through all the streets, alleys, roads and highways in said city, for the purpose of conveying and distributing the same through the city, for the use of the inhabitants thereof, and shall have the right to convey and distribute said water for, and during the term of ten years from the date and passage of this act.

After the word "same," in the 9th line of the 3d section, strike out the words "when necessary," and insert the following words, to wit: "On refusal of occupants to pay the rate of toll hereafter allowed for the use of water."

Strike out section 4, and insert the following in lieu thereof:

Said company are hereby authorized to make all necessary by-laws, rules

and regulations for its government, not inconsistent with the Constitution and laws of the United States, the Organic Act and laws of this Territory, or the provisions of this act. Also, may have a President, Secretary, Treasurer, and other officers for their government.

Strike out section 5, and insert the following in lieu thereof:

Sec. 5. Upon compliance with the following provisions of this act, said company shall have the power to charge and collect toll for the use of said water privilege, provided said toll shall not exceed the following rates, to wit:

Each person over the age of eighteen using said water for household purposes, per month, 25 cents.

Hotels using said water, per month, $5.

Restaurants using said water, per month, $5.

Billiard houses using said water, per month, $2.

Billiard saloons, do., do., do., $5.

Each person engaged in the washing or laundry business using said water, per month, each, 50 cents.

Barbers using said water, per month per each chair, $2.

Bath houses, per month, $5.

Livery or feed stables, with more than fifteen stalls, using said water, per month, $10.

Livery or feed stables, with fifteen stalls or under, using said water, per month, $5.

Corrals, without stalls, using said water, per month, $5.

Each brewery using said water, per month, $10.

Each bakery using said water, per month, $3.

Soap or candle factory, using said water, per month, each, $3.

Photograph establishments, each, $10.

Strike out all of section 7, and insert the following in lieu thereof:

Sec. 7. This act shall be subject to amendment, modification or repeal by any subsequent Legislature.

R. B. Parrott, Chairman.

Report received.

Hanna, chairman of select committee on H. B. No. 8, reported:

Mr. Speaker: We, the committee to whom was referred H. B. No. 8, entitled "An Act divorcing John F. Godfrey and Mary E. Godfrey," have had the same under consideration, and find the following state of facts to exist: The above named parties have been lawfully married, but find from the correspondence, that for a considerable space of time they have not cohabited together, and, owing to a want of congenialities, both parties desire to be released from the marriage obligation; therefore, we the committee, recommend the passage of the bill praying for a divorce.

Geo. H. Hanna, Chairman.
J. S. McCullough,
A. J. Smith.

Report received and committee discharged.

McCullough, chairman of select committee on H. B. No. 7, entitled "An Act authorizing Paul B. Anthony, J. H. Shober and E. S. Rowland to establish a toll road from Helena City to Ophir City," submit the following report:

That we have had the same under consideration, and find that said road will be near thirty miles in length, passing over a rough and rugged country; and that said road, when completed, will be from four to eight miles shorter than any other practicable road between the above named places. We further find that said road will connect with other toll roads leading to Washington Territory and Oregon, thus opening a direct line of communication to and from the Pacific coast. Therefore, believing said road to be of much public utility, we would recommend the passage of the bill.

J. S. McCullough, Chairman.

Smith, chairman of the Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole, having under consideration H. B. No. 5, entitled "An Act to authorize Solomon H. Miller to establish a ferry

on, and erect a bridge across, the Jefferson river," beg leave to make the following report:

Strike out the word "ten" and insert the word "five," in the 11th line of the 1st section, and also amend by adding: "*Provided*, This franchise shall not be deemed and taken as a denial of the right to ford said stream, nor of the right of any party to build a free bridge, or establish a free ferry, within the limits prescribed by this act for a ferry or bridge."

In section 2, strike out the words "said Miller may see proper," in the 5th line, and insert the words "within five years."

In section 3, in 4th line, after the word "flat," insert the words, "boat or."

In section 4, for "footmen crossing bridge free," insert, "for footmen crossing ferry, 25 cents; man and horse, 50 cents; pack animals, 25 cents; for loose horses and cattle, each, 15 cents; for sheep and hogs, each, 5 cents; a wagon with two horses, mules or oxen, $2; each additional span of mules, horses or oxen, 50 cents.

Section 6, 1st line, after the word "lawful," insert the words, "after one year from the passage of this act."

Sec. 7. This act shall be subject to modification, amendment or repeal, at any time by any subsequent Legislature.

In section 8, after the word "its," in the 2d line, insert the words "passage and."

Also had under consideration, H. B. No. 9, and beg leave to offer the following amendments, to wit:

Section 1st, 11th line, strike out the word "ten," and insert "two," and add to the section: "*Provided* this franchise shall not be deemed and taken as a denial of a right to ford said stream, nor of the right of any party to establish a free ferry within the prescribed limits of this act for a ferry or bridge."

Sec. 5. This act shall be subject to modification, amendment or repeal, at any time, by a subsequent Legislature.

A. J. Smith, Chairman.

The following notices were given:

By Hanna, of "An Act to amend an act entitled 'An Act to incorporate the City of Virginia,'" passed Dec. 30th, 1864.

By Mimms, of "An Act to incorporate the Ten Mile and Last Chance Consolidated Water Ditch Company."

By Mimms, of "An Act authorizing Oliver Tootsenlizer to establish a bridge on the Missouri river."

By McCullough, of "An Act to incorporate the De Kalb Gold and Silver Mining Company."

By McCullough, of a bill authorizing J. M. Wood and John Stome to establish a ferry on the Missouri river, at or near Crow creek.

By Parrott, of "An Act divorcing E. P. Waring from R. P. Waring."

Smith, pursuant to notice, introduced H. B. No. 10, entitled "An Act to incorporate the Jefferson River Water Ditch Company."

Read 1st and 2d times and referred to committee on Incorporations.

Smith took the Chair.

Mayhew introduced H. B. No. 11, "An Act regulating the terms of the Probate Court, and fixing the places of holding the same, in Deer Lodge county."

Read 1st and 2d times and referred to committee on Judiciary.

Speaker in the Chair.

C. B. No. 2, "An Act defining the duties of County Treasurers, and the payments of county warrants," was read 1st and 2d times and referred to committee of Ways and Means.

C. B. No. 3, "An Act concerning descents and distributions," read 1st and 2d times and referred to committee on Judiciary.

C. B. No. 5, "An Act to amend 'An Act concerning weights and measures,'" approved Jan. 24, 1865.

Bill read 1st and 2d times and referred to committee on Judiciary.

C. B. No. 16, "An Act to incorporate the Rocky Mountain and New York Exploring, Prospecting and Mining Company.

Read 1st and 2d times and referred to committee on Incorporations.

The following communication from the Council was read:

COUNCIL CHAMBER, Virginia City, March 7th, 1866.

Mr. Speaker—SIR: I am instructed by the Council to inform your honorable body, that a committee of three has been appointed by the Council, and respectfully request that you will appoint four from the House, to act in conjunction with Messrs. Baggs, McCormick and Leavitt, committee from the Council to draft an apportionment bill for Montana Territory.

Respectfully, R. J. MITCHELL,
Chief Clerk of Council.

It was moved and carried that the House concur with the request.

The Speaker appointed as such committee, McCullough, Parrott, Rice and Smith.

On motion of Smith, the rules were suspended and Maxwell, chairman of committee of Ways and Means, reported:

Mr. Speaker: The committee, to whom was referred C. B. No. 2, defining the duties of County Treasurer, and the payment of county warrants, beg leave to report that they have carefully examined the provisions of said bill and respectfully recommend its passage by the House.

A. S. MAXWELL, Chairman.

Report received.

C. B. No. 2, read for information, and, on motion of Smith, referred to Committee of the Whole.

H. B. No. 4, "An Act for the better observance of the Lord's day," read with amendments proposed by the committee, and said amendments adopted by the House.

McCullough offered the following additional amendment:

After "exceed," in 7th line of section 3, strike out the word "five" and insert the word "one."

On motion of Mr. Daems, the amendment was adopted.

On motion of Maxwell, the House adjourned to 2 o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment. Speaker in the Chair.

Roll called. Present—Corry, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith and the Speaker—9.

Absent—Daems, LaFontaine, McElroy and Weed—4.

House went into Committee of the Whole.

House resumed.

The Speaker called McCullough to the Chair, and gave notice of his intention to introduce a bill to incorporate the Blackfoot Water Company, and a bill to incorporate the Ohio Ditch Company.

McCullough, chairman of the Committee of the Whole, reported:

Mr. Speaker: We, the Committee of the Whole, beg leave to report, that we have had under consideration C. B. No. 2, and report the same back and recommend its passage.

J. S. MCCULLOUGH, Chairman.

Report received.

Rules suspended, and C. B. No. 2, read third time and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, and Mr. Speaker—11.

Nays—Smith—1.

Absent—LaFontaine—1.

No objection being made, Mr. Parrott introduced H. B. No. 12, entitled "An Act to amend an act entitled 'An Act establishing a Common School system for the Territory of Montana.'"

Read 1st and 2d times and referred to the committee on Education.

On motion of Mimms, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

NINTH DAY.

HOUSE OF REPRESENTATIVES, VIRINIA CITY, M. T., }
Wednesday, March 14th, 1866. }

House met at the usual hour. The Speaker in the Chair.

Roll called. Present—Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—11.

Absent—Corry and LaFontaine—2.

Yesterday's Journal read and approved.

McElroy presented a petition from the citizens of Madison county, praying a change in the school law.

Petition read and referred to the committee on Education.

Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment beg leave to report, that they have carefully examined a Joint Resolution, requesting the Governor to furnish certain election returns, and find that it has been correctly enrolled.

GEO. H. HANNA, Chairman.

Report received.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred C. B. No. 3, a bill for an act, entitled "An Act concerning descents and distributions," beg leave to report that they have had said bill under consideration, and recommend its passage.

R. B. PARROTT, Chairman.

Report received.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred C. B. No. 5, a bill for an act entitled "An Act to amend 'An Act concerning weights and measures,'" beg leave to report that they have had said bill under consideration, and respectfully recommend its passage.

R. B. PARROTT, Chairman.

Report received.

Mimms gave notice that on to-morrow, or some subsequent day, he would introduce a bill entitled "An Act to amend an act entitled 'An Act concerning the license law.'"

Hanna, pursuant to notice, introduced H. B. No. 13, entitled "An Act to amend an act entitled 'An Act to incorporate the city of Virginia.'"

Read 1st and 2d times, and referred to a select committee.

Chair appointed Mimms, Daems, and Hanna as such committee.

Parrott, pursuant to notice, introduced H. B. No. 14, entitled "An Act divorcing E. P. Waring and R. P. Waring."

Read 1st and 2d times and referred to select committee.

Chair appointed as such committee, McCullough, Parrott and McElroy.

Mimms, pursuant to notice, introduced H. B. No. 15, entitled "An Act to incorporate the Ten Mile and Last Chance Consolidated Ditch Company."

Read 1st and 2d times and referred to the committee on Incorporations.

Mimms, pursuant to notice, introduced H. B. No. 16, entitled "An Act to amend an act entitled 'An Act authorizing Oliver Tootsenlizer to establish a ferry on the Missouri river.'"

Read 1st and 2d times and referred to committee on Roads and Bridges.

McCullough, pursuant to notice, introduced H. B. No. 17, entitled "An Act to incorporate the DeKalb Gold and Silver Mining Co."

Read 1st and 2d times and referred to committee on Incorporations.

Speaker called Smith to the Chair.

McCullough, as no objection was made, introduced H. B. No. 18, "An Act to incorporate the Highland District Gulch Mining Co."

Read 1st and 2d times and referred to committee on Incorporations.

No objections being made, Mayhew introduced H. B. No. 19, "An Act to incorporate the Grand Lodge of Ancient Free and Accepted Masons of Montana Territory."

Read 1st and 2d times and, on motion of McCullough, was considered engrossed.

On motion, the rules were suspended, and the bill was read the 3d time and put to its final passage.

Those voting for were—

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—12.

Nays—None.

Absent—LaFontaine—1.

Bill passed and title agreed to.

Mayhew, pursuant to notice, introduced H. B. No. 20, "An Act to incorporate the Blackfoot Company."

Read 1st and 2d times and referred to committee on Incorporations.

Mayhew, pursuant to notice, introduced H. B. No. 21, entitled "An Act to incorporate the Ohio Ditch Company."

Read 1st and 2d times and referred to committee on Incorporations.

The Speaker took the Chair.

C. B. No. 3, "An Act concerning descents and distributions," read 3d time and put to its final passage.

Those voting the affirmative were—

Ayes—Corry, Daems, Hanna, McCullough, Maxwell, McElroy, Mimms, Parrott, Weed and Mr. Speaker—11.

Those voting in the negative—None.

Absent—LaFontaine and Smith—2.

Bill passed and title agreed to.

C. B. No. 5, "An Act to amend 'An Act concerning weights and measures,'" approved January 24th, 1865, was read for information, and, on motion of Maxwell, was laid on the table for further consideration.

H. B. No. 8, "An Act divorcing John F. Godfrey and Mary E. Godfrey," was read third time and put upon its final passage.

Those voting in the affirmative—

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, Mimms, McElroy, Rice, Smith, Weed and Mr. Speaker—11.

Nays—Parrott—1.

Absent—LaFountaine—1.

Bill passed and titled agreed to.

McCullough, chairman of the Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole, having had under consideration H. B. No. 1, and also C. B. No. 2, beg leave to make the following report:

In H. B. No. 1, after the word "repealed," in 12th line, section 2, strike out all after in that section.

H. B. No. 6, In section 1, after the words "crosses the," strike out the following words, "line of latitude forty-eight north," and insert the words "Missouri river."

Same section, line 8, after the words "on said line of latitude forty-eight north," insert the following words, "following down the Missouri river."

In section 2, after the word "that," in the 1st line, strike out the word "Certcheville," and insert the word "Kercheval."

Section 3. That the Governor shall have the power to appoint the necessary county officers, until their successors shall be elected at the next annual election after the passage of this act, and be qualified according to law.

Also, strike out figure 3, in section 3, and insert the figure 4.

C. B. No. 2—No amendment.

All of which your committee respectfully submit.

J. S. McCullough, Chairman.

Report received.

On motion of Maxwell, House adjourned to 2 o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment. Speaker in the Chair.

Roll called. Present—Hanna, Maxwell, McCullough, Mimms, Parrott, Smith, Weed and Mr. Speaker—8.

Absent—Corry, Daems, LaFountaine, McElroy and Rice—5.

A communication was received from the Council, with the information of the passage of C. B. No. 18, "An Act to authorize J. S. Mead and others to construct a toll road," and of the passage of H. B. No. 19, "An Act to incorporate the Grand Lodge of Free and Accepted Masons of Montana."

The following communication from the Governor was read:

SECRETARY'S OFFICE,
Virginia City, M. T., March 14th, 1866.

To the Honorable Speaker of the House of Representatives:

SIR: I have the honor to transmit to your honorable body a communication, received by me this morning, from Major-General Sherman, commanding the grand military division of the Mississippi, in which division Montana is included. From this communication you will perceive, Mr. Speaker, that for some months at least, Montana will have to depend upon herself for protection against the enemies of her peace and progress.

I beg, therefore, respectfully to suggest, that an appropriation—say of $25,000—for military purposes, to meet any serious emergency which may exist to demand the exercise of armed force by the Executive of the Territory. This appropriation should be left in the Treasury, subject to the order of the Governor, and his power to draw upon it should be guarded in favor of the public interest, by proper and well-defined conditions, which would prevent its being used otherwise than for the purposes designated in such emergencies as are indicated, and then only with economy.

And I have the honor to be,
Your obedient servant,
THOS. FRANCIS MEAGHER,
Secretary and Acting-Governor.

SAINT LOUIS, Feb. 17th, 1866.

Gen. Thos. F. Meagher, Secretary of Montana, Virginia City—

SIR: I have received your several letters—as also one from Gov. Edgerton—on the subject of troops for Montana, and routes leading thereto. Until Congress fixes the military establishments, it is idle for us to calculate what proportion of troops can be assigned to any part. Were I to grant one-tenth part of the calls for men from me, from Montana to Texas, I would have to call for one hundred thousand men; whereas, I doubt if I should expect to have ten thousand in all. You ask for one regiment of cavalry. I now have one regiment of regular cavalry (the 2d) for Montana, Dacotah, Nebraska, Colorado, Kansas and New Mexico. So you see it is idle to expect all my cavalry in one remote Territory, leaving all the others without, and leaving the roads this side of you unguarded.

Even after Congress fixes the military establishment, you know it will take time to enlist and march cavalry; and a still more important question is now under debate, whether to the hostile Indians we are to add all the white people of the South as permanent enemies, to be watched and kept in subjection by military force. As soon as these things are settled, we can come at an approximate estimate of what troops can be spared for Montana.

As soon as spring comes, we must discharge every volunteer on the plains and in the remote Territories, and Gen. Pope is pressing, with all possible energy, to relieve the essential garrisons with regular infantry. Your people may safely count on the Missouri river, and the Platte route to Laramie and Ft. Reno, to Montana, and that is about all we can attempt now. We cannot for months, if this year, promise to place any cavalry in Montana.

Yours truly,
W. T. SHERMAN, Major-General.

The following communication from the Governor was read:

EXECUTIVE OFFICE, TERRITORY OF MONTANA,
Virginia City, March 14th, 1866.

To the Hon. Speaker of the House of Representatives:

SIR: In compliance with the joint resolution passed to-day, I have the honor to transmit, for your inspection, an abstract of the vote cast, September 4th, 1865, for Delegate to Congress.

I have the honor to be,
Your obedient servant,
THOS. FRANCIS MEAGHER,
Secretary, M. T.

ABSTRACT OF VOTE

Cast in the several Counties of Montana Territory, at a General Election held September 4th, 1865, for Delegate to Congress:

NAME OF COUNTY.	SAMUEL M'LAIN.	GAD. E. UPSON.
Madison,	1,535,	1,002.
Edgerton,	771,	458.
Jefferson,	127,	116.
Gallatin,	30,	36.
Beaverhead,	152,	92.
Missoula,	60,	122.
Deer Lodge,	1,133,	596.
Choteau, rejected.		
Whole amount,	3,808	2,422
M'Lain's majority,	1,386	

I certify that the above is a correct abstract of the vote polled for Delegate to Congress, at a general election, held Sept. 4th, 1865.

THOS. FRANCIS MEAGHER,
Secretary of Montana Territory.

Parrott moved that the message be received for further consideration.

Motion seconded and carried.

On motion of Parrott, communication with regard to the election returns was made the special order for to-morrow afternoon at 2 o'clock.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment beg leave to make the following report: Having examined H. B. No. 5, we find the same correctly engrossed.

A. J. SMITH, Chairman.

Mimms called up H. B. No. 4, "An Act for the better observance of the Lord's day," and offered the following amendments:

Section 1, line 2, after the word "theater," insert the words "or any houses for musical performance."

Amendment adopted.

Parrott offered the following amendments: After the words "on complaint," in 1st line and 5th section, insert the word "under oath."

In 5th section strike out all that portion of said section between the word "prosecution," in the 14th line, and the word "court," in 21st line thereof.

Amendments adopted.

Bill as amended adopted and ordered engrossed.

Maxwell called up C. B. No. 5, and offered the following amendment:

In section 5, line 4, after the word "county," strike out the remainder of the section and insert the following: "designating the time and place in each township at which all persons in each township or district shall present their balances, weights and measures, for inspection and marking by the County Inspector of weights and measures."

Strike out the whole of section 3.

Voting on adoption of amendment, ayes and noes called for.

Ayes—Maxwell and Mr. Speaker—2.

Nays—Corry, Daems, Hanna, McCullough, Mimms, Parrott, Rice, Smith and Weed—9.

Absent—McElroy and LaFountaine—2.

Amendment lost.

On motion of McCullough, the bill was referred to select committee of three. Chair appointed as such committee, McCullough, Parrott and Hanna.

H. B. No. 1, "An Act to repeal an act entitled 'An Act to provide increased compensation of officers of this Territory,'" was read with the amendments proposed by the Council, and as amended by the House, and bill as amended adopted, and ordered to be engrossed.

H. B. No. 9, "An Act authorizing Joseph V. Stafford, and John R. Stafford, to establish a ferry on the Missiouri river," read with proposed amendments, and bill as amended adopted and ordered engrossed.

H. B. No. 5, "An Act authorizing Solomon Miller, and his associates, to build a bridge or keep a ferry across the Jefferson river," was read.

Vote on final passage:

Ayes—Corry, Hanna, Daems, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—11.

Nays—None.

Absent—LaFountaine and McElroy—2.

H. B. No. 6, "An Act creating the county of Vivion and establishing the county seat thereof," was read with proposed amendments; amendments and bill as amended adopted, and bill ordered engrossed."

H. B. No. 3, "An Act to incorporate the Helena City Water Co.," was read with proposed amendments; amendments and bill as amended adopted, and bill ordered engrossed.

H. B. No. 7, "An Act authorizing Paul B. Anthony, J. H. Shobee and E. S. Rowland to establish a toll road from Helena City to Ophir City," read for information.

Speaker called Smith to the Chair.

Maxwell offered the following amendment:

In section 2, line 5, strike out the word "animals," after the word "additional," and insert the words "horse, mule or ox."

Amendment adopted.

Parrott offered the following amendments:

Sec. 6. This act shall be subject to amendment or repeal, at any time, by a subsequent Legislature.

And change section 6 so as to number it section 7.

Amendments adopted.

On motion of Maxwell, the bill was referred to a select committee of three.

The Chair appointed as such committee, Mayhew, Maxwell and McCullough.

On motion of McCullough, House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Clerk House of Representatives.

TENTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.
Thursday, March 15th, 1866.

House met pursuant to adjournment. Speaker in the Chair.

Roll called. Present—Corry, Daems, Hanna, Maxwell, Mimms, McCullough, Parrott, Smith, Weed and Mr. Speaker—10.

Absent—McElroy, LaFountaine and Rice—3.

Journal of yesterday read and approved.

Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment beg leave to report that they have examined "An Act to incorporate the Grand Lodge of Ancient Free and Accepted Masons," and find the same correctly enrolled.

GEO. H. HANNA, Chairman.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee, having examined H. B. No. 6, find the same correctly engrossed. A. J. SMITH, Chairman.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: The committee on Incorporations beg leave to report, that they have had H. B. No. 18 under consideration, and recommend its passage.

J. S. McCULLOUGH, Chairman.

Mr. Speaker: The committee on Incorporations have examined H. B. No. 10, and recommend its passage, after being amended as follows:

In section 1st, after the name Reverdy Bush, in line 2, insert George E. Kettle, H. Jordan, John Hacker, John Moor and George Bruftey.

In section 2, line 8, strike out the words "one mile from Jefferson bridge," and insert, in lieu thereof, "commencing at or near the Parsons and Flannagan bridge."

J. S. McCULLOUGH, Chairman.

Mr. Speaker: We, the committee on Incorporations, beg leave to report that we have had petitions presented to us by citizens of Madison county, asking the Legislative Assembly to grant to H. Jemison and others, a toll road from Virginia City to Hot Springs, and would recommend it favorably.

J. S. McCULLOUGH, Chairman.

Mr. Speaker: We, the committee on Incorporations, beg leave to report that we have had under consideration H. B. No. 20, and would recommend that it be laid upon the table indefinitely.

J. S. McCULLOUGH, Chairman.

Mr. Speaker: We, the committee on Incorporations, beg leave to report that we have had under consideration H. B. No. 15, and would recommend its favorable consideration by the House. J. S. McCULLOUGH, Chairman.

Mr. Speaker: We, the committee on Incorporations, beg leave to report that we have had under consideration C. B. No. 16, and would recommend its favorable consideration. J. S. McCULLOUGH, Chairman.

Mr. Speaker: We, the committee on Incorporations, beg leave to report that we have had under consideration H. B. No. 17, and would recommend its favorable consideration; and that section first be amended by striking out the name of Anson S. Potter, and inserting the name of John D. Ritchie.

J. S. McCULLOUGH, Chairman.

Mr. Speaker: We, the committee on Incorporations, having had under consideration a petition from the citizens of Gallatin county, praying that a toll road from Helena City to Virginia City should not be incorporated, would respectfully recommend its favorable consideration by the House.

J. S. McCULLOUGH, Chairman.

Reports received.

Daems, chairman of committee on Education, to whom was referred H. B. No. 12, a bill for "An Act to amend an act entitled 'An Act to establish a Common School system for the Territory of Montana,'" have had the same under consideration, and, upon examination of the school law as passed by the last Legislature of Montana Territory, find that this amendment, in connection with the bill referred to, is necessary. Therefore, your committee beg leave to report back said bill; also to report a substitute in lieu of H. B. No. 12, and recommend that the same be passed. All of which your committee respectfully submit.

L. DAEMS, Chairman,
R. W. MIMMS,
A. J. SMITH.

Mr. Speaker: Your committee on Education, to whom was referred petition No. 2 from citizens of Madison county, concerning public schools, asking that the Legislature amend the school law so as to allow the County Superintendent of Madison county to draw the school fund of said county. Your committee have had the same under consideration, and find that the bill reported back by your committee—for "An Act to amend an act entitled 'An Act to establish a Common School system for the Territory of Montana'"—if passed, will meet the emergency prayed for by said petitioners. All of which your committee respectfully submit.

L. DAEMS, Chairman.

Report received.

Mimms, chairman of select committee on H. B. No. 13, reported:

Mr. Speaker: Your committee on H. B. No. 13, report as follows: This bill is an act to amend the charter of Virginia City. It proposes to simplify

the government, by striking out the present large and useless number of elective offices, and permit the council of the city to appoint such officers as are necessary for the city government. It also proposes to permit, in case of special elections in certain necessary instances, to open one set of polls, at which all the voters may vote, instead of four sets, as is now necessary under the existing laws; which change, as well as the first, will be a source of economy to the citizens of said city. Believing these amendments to be beneficial, we recommend the passage of the bill with this additional section:

Sec. 3. This act to take effect from and after its passage and approval.

R. W. MIMMS, Chairman.

Parrott, pursuant to notice, introduced H. B. No. 22, creating the office of Assessor and defining their duties.

Read 1st and 2d times and referred to committee on judiciary.

No objections being made, Parrott introduced H. B. No. 23, "An Act to amend an act entitled 'An Act to regulate proceedings in civil cases, in courts of justice in the Territory of Montana,'" approved, 1866.

Read 1st and 2d times and, on motion of Parrott, was ordered to be printed for reference.

Smith took the Chair, and Mayhew, pursuant to notice, introduced H. B. No. 24, "An Act to authorize H. Jemison and others to construct and maintain a toll road."

Read 1st and 2d times and referred to committee on Incorporations.

The Speaker took the Chair.

Maxwell moved the members of the committee on Roads and Bridges be added to the committee on Incorporations.

Motion seconded and carried.

A communication was received from the Council, with C. B. No. 7, C. B. No. 32, C. B. No. 4, and J. R. No. 2, with notification of their passage.

C. B. No. 18, "An Act to authorize J. S. Mead and others to construct a toll road," was read 1st and 2d times and referred to Committee of the Whole, this afternoon at half-past two o'clock p. m.

J. R. read 1st and 2d times and referred to committee on Finance.

C. B. No. 32, "An Act dissolving the bonds of matrimony between Thomas Thoroughman and Emily Thoroughman."

Read 1st and 2d times and, on motion of Smith, the rules were suspended, the bill read 3d time and put to its final passage.

Those voting in the affirmative were—

Ayes—Corry, Daems, Hanna, McCullough, McElroy, Smith, Weed and Mr. Speaker—9.

Nays—Maxwell and Rice—2.

Absent—LaFountaine—1.

Excused—Parrott—1.

Bill passed and title agreed to.

C. B. No. 4, "An Act concerning divorce," was read 1st and 2d times and referred to committee on Judiciary.

Smith presented a petition from citizens asking for a toll road to be granted to Rockfellow and others.

Read and referred to committee on Incorporations.

C. B. No. 16, "An Act to incorporate the Rocky Mountain and New York Exploring, Prospecting and Mining Company," was read third time and put to its final passage.

Those voting in the affirmative were—

Ayes—McCullough—1.

Nays—Corry, Daems, Hanna, Maxwell, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—11.

Absent—LaFountaine—1.

The bill was lost.

H. B. No. 6, "An Act creating the county of Vivion, and establishing the county seat thereof, was read third time and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McElroy, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—12.

Nays—None.
Absent—LaFountaine—1.
Bill passed and title agreed to.
McCullough introduced the following resolution:
Resolved, That all bills of a private nature hereafter introduced into this House, of which no notice has heretofore been given, shall be printed prior to their introduction at the expense of the party praying the franchise.
Corry moved its adoption.
Maxwell moved to adjourn.
Motion carried, and House adjourned.

AFTERNOON SESSION.

House met pursuant to adjournment. The Speaker in the Chair.
Roll called. Present.—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith and Mr. Speaker—11.
Absent—LaFountaine and Weed—2.
The Chair announced the consideration of the communication from the Governor, in reference to joint resolution, as the special order.
Speaker called McCullough to the Chair.
Parrott offered the following:
Resolved by the House of Representatives, That the Secretary of the Territory, now Acting-Governor, be, and he is hereby, respectfully requested to furnish to the House abstracts, or pretended abstracts, of votes of the last election, now in his possession, or under his control, and the means by which they came into his possession.
Resolution adopted.
Smith gave notice that he would, on some future day, introduce a bill to incorporate the Big Blackfoot and Fort Benton Wagon Road Company.
Mayhew moved that thirty copies of H. B. No. 22, be printed.
Motion seconded and carried.
Smith, chairman of committee on Engrossment, reported.
Your committee on Engrossment have examined H. B. No. 11 and 9 and find them correctly engrossed.

A. J. SMITH, Chairman.

House resumed.
Parrott moved that the Governor's Message, in regard to military escort to Fort Benton, be referred to committe on Finance.
Motion carried.
McCullough, chairman of Committee of the Whole, reported:
Mr. Speaker, The Committee of the Whole, having had under consideration C. B. No. 18, recommend that it be referred back to the House and be referred to a select committee of three.

J. S. MCCULLOUGH, Chairman.

Report received and adopted.
H. B. No. 4, "An Act for the better observance of the Lord's day," read third time and put to its final passage:
Ayes—Corry, Daems, Hanna, McElroy, Mimms, Parrott, Smith and Weed—8.
Nays—Maxwell, McCullough, Rice and Mr. Speaker—4.
Absent—LaFountaine—1.
Bill passed and title agreed to.
H. B. No. 9, "An Act authorizing Joseph V. Stafford and John R. Stafford to establish a ferry on the Missouri river."
Read third time and put to final passage.
Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—12.
Nays—None.
Absent—La Fountaine—1.
Bill passed and title agreed to.
H. B. No. 17, "An Act to incorporate the De Kalb Gold and Silver Mining Company," read for information.
On motion of Maxwell, the bill was laid on the table indefinitely.

H. B. No 10, "An Act to incorporate the Jefferson river water ditch company," read with amendments.

Amendments recommended by committee adopted.

Mr. Speaker appointed as special committee on H. B. No. 18, Parrott, Maxwell and McCullough.

On motion of Maxwell, House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

ELEVENTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T., }
Friday, March 16th, 1866. }

Mr. Speaker called House to order at the usual hour.

Roll called. Present—Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Weed and Mr. Speaker—8.

Absent—LaFontaine, Corry, McElroy, Rice and Smith—5.

Yesterday's Journal read and approved.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee to whom was referred C. B. No. 4, a bill for an act concerning dower, beg leave to report that they have had the same under consideration and respectfully recommend its passage.

R. B. PARROTT, Chairman.

Report received.

Smith, chairman of committee on Roads and Bridges, reported:

Your committee on Roads and Bridges, to whom was referred H. B. No. 16, "An Act to amend an act authorizing Oliver Loothuezer to establish a ferry on the Missouri river," beg leave to report that they have had the same under consideration, and recommend its passage.

A. J. SMITH, Chairman,
J. S. MCCULLOUGH,
D. L. DAEMS.

Report received.

Parrott, chairman of committee on Finance, reported:

Mr. Speaker: Your committee on Finance, to whom was referred C. resolution No. 2, instructing the Auditor and Treasurer of the Territory to audit and pay to his Excellency, the Acting-Governor, Thomas Francis Meagher, the amount due the Executive office, from the time his Excellency entered upon his duties as Acting-Governor of the said Territory, beg leave to report that they have had said resolution under consideration, and find that the effect of said resolution, if passed by the House, would be to compel the Auditor and Treasurer to audit and pay to the Acting-Governor, Thomas Francis Meagher, the salary of Sidney Edgerton, the Governor of the Territory. Your committee have no knowledge or information of the death, resignation or removal of the Governor of this Territory, but know that he still holds said office, and claims the immunities thereof. Although anxious to reward the only Federal officer who has acted in the interest of this Territory, your committee are of the opinion it would be unlawful to compel the Auditor and Treasurer to pay the Acting-Governor the salary of the Governor of this Territory. Your committee are of the opinion that his Excellency, Sidney Edgerton, will be entitled to receive the amount of his salary due him from the United States, until his successor is appointed and qualified, and the amount due him from this Territory, by virtue of the laws thereof, until said laws are repealed. Your committee would respectfully recommend that the resolution do not pass.

R. B. PARROTT, Chairman.

Report received.

Mimms moved that two hundred copies be printed. Lost.

Smith, chairman of committee on Engrossment, reported:

Your committee on Engrossment having examined H. B. No. 3, beg leave to report that they find the same correctly engrossed.

A. J. SMITH, Chairman.

Parrott, chairman of committee on Finance, reported:

Mr. Speaker: Your committee on Finance, to whom was referred two special messages from his Excellency, Thomas Francis Meagher, in regard to the necessity for troops to guard against alleged hostilities of Indians in the Territory, and recommending that an appropriation of twenty-five thousand dollars be made by this Legislature for that purpose, dated respectively, 12th and 14th inst., beg leave to report that they have had the same under consideration and respectfully recommend that the whole subject be referred to the Committee of the Whole, at the hour of 2 o'clock p. m., on next Monday.

R. B. PARROTT, Chairman.

Report received and adopted.

Maxwell gave notice of the introduction of a bill for "An Act to amend an act entitled 'An Act defining the boundary lines of counties in Montana Territory," passed February 2d, 1865.

Mimms gave notice that on to-morrow, or some subsequent day, he would introduce a bill for "An Act to prevent marriage and co-habitation of whites with Indians, Chinese and persons of African descent.

McCullough, pursuant to notice, introduced H. B. No. 25, "An Act to authorize J. M. Wood and John Stene to establish a ferry on the Missouri river."

Read 1st and 2d times and referred to committee on Incorporations.

Smith offered the following resolution:

Resolved, That when this House adjourn, it adjourn until Monday, at 10 o'clock.

On motion of Daems, the resolution was adopted.

A communication from the Council announced the passage of C. B. No. 9, C. B. No. 20, C. B. No. 34 and C. B. No. 8.

C. B. No. 7, "An Act to authorize J. S. Rockfellow, J. B. Maltby, and J. A. Creighton, their heirs and assigns, to construct and maintain a toll-road from Virginia City, by way of Hot Spring District and Crow creek, to Helena."

Read 1st and 2d times and referred to select committee, composed of Parrott, Hannah and Daems.

C. B. No. 9, "An Act to incorporate the Washoe ferry and bridge company."

Read 1st and 2d times and referred to select committee—Maxwell, Rice and McElroy.

C. B. No. 34, "An Act dissolving the bonds of matrimony between Allen Anson and Annette Anson."

Read 1st and 2d times and referred to committee on Judiciary.

C. B. No. 20, "An Act to dissolve the ties of matrimony between Peter Rusewich and Lyda Rusewich."

Read 1st and 2d times and referred, on motion, to select committee, consisting of McCullough, Rice and Weed."

C. B. No. 4, "An Act concerning dower," read third time and put to its final passage.

Ayes—Corry, Hannah, Maxwell, McCullough, McElroy, Mimms, Parrott, Smith and Weed—9.

Nays—Rice and Mr. Speaker—2.

Absent—Daems and LaFontaine—2.

Bill passed and title agreed to.

The following communications from the Governor were read:

EXECUTIVE OFFICE, TERRITORY OF MONTANA,
Virginia City, March 16th, 1866.

To the Hon. Speaker of the House of Representatives:

I have the honor to announce to the House, that I have approved and signed the bill defining the durties of County Treasurer and passing county warrants.

I am very truly
Your obedient servant,
THOS. FRANCIS MEAGHER,
Acting-Governor.

EXECUTIVE OFFICE,
Virginia City, M. T., March 16, 1866.

To the Honorable, the Speaker of the House of Representatives:

Sir: In compliance with the resolution of your honorable House, requesting me to furnish "all abstracts or pretended abstracts of votes of the last election, now in my possession, and the means by which they came into my possession," I have the honor to transmit the following papers: No. 1, purporting to be a return of votes for delegate to Congress, from Choteau county, dated Fort Benton, the 9th of September, 1865, signed A. B. Milton, Clerk, giving Major Upson 389 votes, and Col. McLean 30. This return I scrutinized, along with others of the same description, in the presence and with the assistance of Neil Howie, in conformity with the requirements of the Organic Act. He fully concurring with me, I registered it, indorsing it thus:

"This return is rejected on account of its fatal informality and the attempt at fraud which appears on the face of it."

No. 2, purporting to give the return of the same county of Choteau, for delegate to Congress, dated 14th of September, "from the house of James Darley, in the Township of Davidson City," signed Horton Doll, Judge of the election, and Silace James, Justice of Peace, giving Major Upson 800 votes, and Col. McLane 24.

This return (deputy Marshal Niel Howie, fully concurring and signed the indorsement,) I rejected, indorsing the delinquent document thus, as in the previous case:

"Rejected on account of its fatal informality and the attempt at fraud which appears on the face of it."

Both of the papers came into my possession in the same package which contained the several returns of election, which package, on order of U. S. Marshal Pinny, my private secretary, Mr. David H. Hopkins, received from Messrs. Allen & Millard, bankers of this City, in whose safe it had been deposited.

I have the honor to be
Your obedient servant,
THOMAS FRANCIS MEAGHER,
Secretary and Acting-Governor.

On motion of Mr. Parrott, these communications were made special order for Monday evening, at 3 o'clock p. m.

Joint Resolution No. 2, read 3dtime and put to final passage.

McCullough moved to adjourn and withdrew his motion to receive the following communications.

EXECUTIVE OFFICE, TERRITORY OF MONTANA,
Virginia City, March 16, 1866.

To the Speaker of the House of Representatives:

Sir: I have the honor to inform your honorable body, that I have this day received and approved the following bills: C. B. No. 3, entitled "An Act concerning descents and distributions; C. B. No. 32, entitled "An Act to dissolve the bonds of matrimony between Thomas Thoroughman and Emily Thoroughman," and H. B. No. 19, "An Act to incorporate the Grand Lodge of Free and Ancient Masons of Montana."

I have the honor to be
Truly your obedient servant,
THOMAS FRANCIS MEAGHER,
Acting-Governor.

McCullough renewed his motion to adjourn.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Clerk House of Representatives.

TWELFTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Monday, March 19, 1866.

House met pursuant to adjournment, with the Speaker in the Chair.

Roll called. Present—Messrs Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith and Mr. Speaker—10.

Absent—Messrs Corry, LaFontaine and Weed—3.

Friday's journal read and approved.

Mr. Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment, beg leave to report that they have carefully examined a bill for an act divorcing John F. Godfrey and Mary E. Godfrey, and find it has been carefully enrolled.

GEO. H. HANNA, Chairman.

R. B. Parrott, chairman of committee on Finance, reported:

Mr Speaker: Your committee on Finance, to whom was referred all that portion of the Governor's message relating to Indian difficulty, beg leave to report that they have had the same under consideration, and find that the frequent rumors of depredations committed by hostile Indians, upon persons and property of unoffending whites, are not altogether unfounded.

It must be admitted, however, that in some instances the depredations complained of, grew out of disgraceful alliances with members of tribes hostile to each other, wherein white men, by most disgraceful associations, subject themselves and their property to the barbarous warfare of contending tribes.

It is equally true that brave and noble-hearted young men, while peacefully pursuing their labors in this Territory, and innocent babes and helpless mothers while on their way hither, have been brutally murdered by these merciless and bloody savages. Horses and other property of the citizens living in the remote portion of the Territory, are continually being stolen by them, and the lives of communities in many parts of the Territory, rendered unsafe for ordinary travel.

In the opinion of your committee, the people of this Territory have just reason to complain that they have been taxed by the General Government, and the taxes collected by the Federal officers to an enormous amount, and at least $80,000 of the amount collected in the last year, paid in to the United States, and yet no protection has been offered to the people from savages, red or white, who infest the Territory and the thoroughfares leading thereto.

It is the opinion of your committee that it would be but reasonable and just for the Government of the United States to apply a sufficient amount of the money thus collected, to the protection of the citizens living in, going from or coming into the Territory.

Your committee are of the opinion that soldiers drilled in formal or civilized warfare, are unfit for Indian warfare in a mountain country, and that it would be worse than useless to send regiments of troops, at an enormous expense, to remain comparatively idle in the Territory, while efficient men-tamers can be had at a minute's warning, for any emergency, at one-tenth of the cost, if means are only provided for their pay, equipment and subsistence.

The finances of the Territory are not in a condition to advance large sums of money to the United States for different purposes, without strong proof of the necessity of such expenditures, especially when it is not known that the amount thus expended will be reimbursed to the people of the Territory by the United States.

Your committee would therefore respectfully recommend a joint memorial of the Legislative Assembly, be addressed to the President and Congress, that a sufficient amount of the means collected as aforesaid, by the revenue officers of the Government in this Territory, be appropriated for such defensive purposes.

R. B. PARROT, Chairman.

Geo. H. Hanna, chairman of committee on Federal Relations, reported:

Mr. Speaker: Your committee, to whom was referred that part of the Governor's Message relating to the military situation of the Territory, beg leave to make the following report. That they have gathered all the information with reference to the Indian troubles at and below Fort Benton on the Missouri river, and also in relation to the various parts from which reports have come of the whites leaving because of evidence of hostile demonstrations of the Indians. That there is, evidently, among some of the tribes, a feeling

of hostility towards the settlers, which may break out at any moment; but your committee are of the opinion, that if the whites would manifest a conciliatory disposition towards those Indians frequenting the military posts on our borders, and the small settlements in the more remote parts of the Territory, outbreaks of the Indians would be avoided until the United States furnishes troops sufficient to give ample protection to all.

Your committee regret to learn from a high official source that aid cannot be hoped for this year from the General Government, or at least none that will afford that complete and adequate protection that American citizens have been taught to believe would be given them by the Government; and your committee would beg to refer to the late letter of General Sherman, sent by his Excellency, Governor Meagher, to this House, and ask that the letter of General Sherman be taken as part of the report, a copy of which your committee herewith transmit.

Your committee are slow, indeed, to come to any conclusion as to what ought to be done to give aid, in case aid is needed, to our citizens on our borders. To offer them no assistance, looks a little like we neither desired, or in any way cared for their welfare and happiness, and to tell them we would do so, and then not be able to keep our promise, might, and to the minds of your committee, would be, most ruinous, indeed; for upon the faith that a law had been made appropriating $25,000, to be disbursed only for military purposes, would evidently inspire a feeling of risk in passing into or through the Territory inhabited by the Indians, and when the same would be drawn upon to meet the purposes contemplated, then it would be found far too little to give the citizens the very slightest protection. Therefore, your committee cannot recommend that any such appropriation be made, nor are your committee prepared to suggest any sum that would be at all adequate, viewing the financial condition of the Territory as they do.

GEO. H. HANNA, Chairman.

R. B. Parrott, chairman of committee on Judiciary, to whom was referred all that portion of the Governor's Message relating to the appropriation for the Territory, beg leave to report that they have had the same under consideration, and find that in the year 1865, in obedience to the call of Governor Edgerton, for an armed and equipped military force to relieve the emigrants and inhabitants in the vicinity of Fort Benton, from the threatened hostility of the Indians, many of the people not only responded promptly to the call, but furnished others with arms and other equipments.

It is the opinion of this committee, that the money thus expended, a reasonable compensation for loss of time, the use of horses, saddles, etc., as well as divers other losses sustained by individuals, because of Indian aggression, form a just claim against the United States, which should be paid by special appropriation for that purpose.

In the year 1865, vast sums of money, under pretense of law, were unlawfully collected from the miners of the Territory, in the way of constructive mileage, clerks' fees, marshals' fees, fines, etc., for a failure to pay a pretended Government license, claimed to be due, for the privilege of claiming two hundred feet of ground for mining purposes, when in some instances not a dollar had been realized out of the claim, and in the majority of cases, not even a thousand dollars had been realized from the claims then taxed.

Your committee are of the opinion that it would be no more than just that the United States pay back to the persons entitled thereto, the sum thus unlawfully taken from them, under color of law, by the United States officers.

Your committee concur with his Excellency, that an appropriation of at least $50,000, should be made by the United States Government for Territorial buildings.

We deem the Missouri river of such material importance, susceptible as it is of bearing to the emporium of the world, the vast treasures of the mountains and valleys of Montana Territory, that we deem an appropriation very necessary for the purpose of improving its navigation. Indeed, it is the solemn conviction of your committee, that as a mere question of profit and loss, the United States would be greatly benefited in less than ten years, by ap-

propriating $500,000 for the purpose of improving the river and constructing and repairing bridges and roads leading to the Territory of Montana.

Your committee would respectfully recommend that a joint memorial of the Council and House of Representatives, be addressed to the President and Congress of the United States, praying for the above appropriation. And your committee would also recommend that a committee of five be appointed by the Legislature to ascertain the amount due individuals on account of Indian depredations above referred to; also, the amounts unlawfully taken from our miners by the United States officers, in cases mentioned in the above report.

R. B. PARROTT, Chairman.

Smith, of the Judiciary Committee, made the minority report:

Mr. Speaker: Your Committee, to whom was referred C. B. No. 34, "An Act to dissolve the bonds of matrimony between Allen Anson and Annette Anson," beg leave to report that they have had the same under consideration, have examined several affidavits, and find the party above named is justly entitled to a divorce. Your committee would recommend that the bill do pass.

A. J. SMITH, Chairman.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred that portion of the Governor's message relating to the printing and binding of the laws passed by the last Legislature, beg leave to report that, so far as they are informed, his Excellency, Thomas Francis Meagher, Secretary and Acting-Governor of the Territory, has performed his duty in that respect, as set forth in said message.

R. B. PARROTT, Chairman.

Report received.

Parrott, chairman of select committee on C. B. No. 7, and McCullough, chairman of select committee on C. B. No. 6, offered reports that were recommitted as not complying with the rules.

Maxwell, chairman of select committ on C. B. No. 9, reported:

Mr. Speaker: The select committee, to whom was referred C. B. No. 9, for "An Act to incorporate the Marshal ferry and bridge company," respectfully beg leave to report that they have had said bill under careful consideration, and find that said ferry has been in successful operation for nearly one year, and is a great benefit to the public. Your committee would, therefore, recommend the passage of the bill with the following amendments, to wit:

Add to Section 2 the following, viz:

Provided, This franchise shall not be deemed and taken as a denial of the right of any party to build a free bridge, or establish a free ferry, at any time within the limits prescribed in this act for the building of said bridge or ferry.

Section 3, line 6th—strike out the word 10 and insert 5.

Strike out the whole of Section 5, and insert the following in lieu thereof:

Sec 5. That the said J. W. Marshall, his associates and assigns, shall be allowed to charge, collect or receive, not to exceed the following rates for passing or crossing said bridge, to wit:

Footman crossing said bridge,	Free.
Footman crossing Ferry,	$0.25
Man and horse, or other beast,	.50
Pack animals,	.25
Loose horses, mules and cattle, each,	.15
Sheep and hogs, each,	.05
A wagon with two horses, mules or oxen,	2.00
Each additional span of horses, mules or oxen,	.50

Section 7, line 6—Strike out the word "all," and insert the word "any."

Insert the following sections:

Section 8. That County Commissioners of the county of Edgerton shall have the power, at any regular meeting after the 1st day of May, 1868, upon petition for that purpose, to reduce the rates of toll mentioned in this act.

Section 9. The Legislative Assembly shall have power to alter or amend

this act at any subsequent session thereof after the passage of this act.

Section 8 be changed to section 10.

Report received.

McCullough, chairman of select committee on H. B. No. 14, reported:

Mr. Sperker: Your select committee, to whom was referred H. B. No. 14, beg leave to report that they have had the same under consideration, and recommend its passage, in view of the facts set forth in the document accompanying the report.

Report received.

The following notices of the introduction of bills were given:

By Parrott, of "An Act regulating the fees of officers, jurors and witnesses."

By Maxwell, "An Act to amend an act entitled, 'An Act defining the duties of Territorial Auditors of the Territory of Montana.'"

By Hanna, "An Act to incorporate the Montana flume and mining company."

By Mimms, "An Act to establish a ferry on the Missouri river."

By McCullough, a bill amendatory of the quartz law.

Mimms, pursuant to notice, introduced H. B. No. 26, "An Act to amend an act entitled 'An Act concerning license,'" approved February 9, 1865.

Read 1st and 2d times and, on motion of Parrott, fifty copies ordered to be printed.

Mimms, pursuant to notice, introduced H. B. No. 27, "An Act to prohibit marriages and co-habitation of whites with Indians, Chinese and persons of African descent."

Read 1st and 2d times and, on motion of McCullough, fifty copies ordered to be printed.

Maxwell, pursuant to notice, introduced H. B. No. 28, "An Act to amend an act entitled 'An Act defining the boundary lines of counties in Montana Territory, passed February 2d, 1865.'"

Read 1st and 2d times, and referred to committee on Towns and Counties.

Mimms introduced Joint-Resolution No. 3.

Read 1st and 2d times, and referred to committee on Incorporations.

H. B. No. 3, "An Act to incorporate the Helena water company."

Read 3d time, and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—12.

Nays—None.

Absent—LaFontaine—1.

Bill passed, and title agreed to.

C. B. No. 3, "An Act dissolving the bonds of matrimony between Allen Anson and Annette Anson."

Read 3d time.

On motion of Smith, a call of the House was had.

Present—Corry, Daems, Hanna, Maxwell, McCullough, Mimms, McElroy, Parrott, Rice, Smith and Mr. Speaker—11.

Absent—LaFontaine and Weed—2.

Sergeant-at-Arms was sent after absentees, and brought in Weed.

On motion of Smith, the call of the House was dispensed with.

Vote on the final passage of C. B. No. 34:

Ayes—Daems, Hanna, Mimms, McElroy, Rice, Smith and Weed—7.

Nays—Corry, Maxwell, McCullough, Parrott and Mr. Speaker—5.

Absent—LaFontaine.

Bill passed and title agreed to.

H. B. No. 14, "An Act divorcing E. P. Warring and R. P. Warring."

Read 3d time and put to its final passage.

Ayes—Daems, Hanna, McCullough, Mimms, McElroy, Rice, Smith, and Weed—8.

Nays—Maxwell, Parrott and Mr. Speaker—3.

Excused—Corry—1.

Absent—LaFontaine—1.

Bill passed and title agreed to.

Parrott presented the following letter from his Excellency, Gov. Thomas Francis Meagher, which, on motion, was ordered to be spread upon the Journal of the House:

EXECUTIVE OFFICE, M. T., VIRGINIA CITY, March 19, 1866.

MR. PARROTT: Understanding that there is some discussion going on in the House having reference to the payment to me of a ballance due the Executive office, out of the extra pay voted the Governor, and other Federal officers, by the Legislature last year, I beg you will be so good as to convey to the House my earnest wish that such discussion should cease.

It is anything but pleasant to me to have the public time taken up in a discussion in which, to some extent, I am personally involved. That, in the second place, I beg to assure the House, through you, that I do not wish to have a single dollar out of the Territorial fund.

The Federal Government ought to provide for its officers, that the latter in nowise should be a burthen to the Territory.

I fully approve, therefore, before hand, of the bill which strikes off the Territorial additional for the pay of Federal officers; and beg, in conclusion, to suggest that if there is anything legally due the Executive office, it shall be transferred to the Miners' Hospital, at Helena.

I have the honor to be, very truly, your ob't servant,

THOMAS FRANCIS MEAGHER,
Acting-Governor Territory of Montana.

Joint-Resolution No. 2, read 3d time yesterday, put to final passage.

Ayes — Daems, Hanna, McCullough, McElroy, and Rice — 5.

Nays—Corry, Maxwell, Mimms, Parrott, Smith, Weed, and Mr. Speaker—7.

Absent — LaFontaine — 1.

Resolution lost.

H. B. No. 13, "An Act to amend an act entitled 'An Act to incorporate the city of Virginia.'"

Read for information with amendments offered by special committee. Amendment, and bill as amended, adopted, and bill laid upon the table for further consideration.

H. B. No. 15, read for information, and referred, on motion, to a select committee of three.

Chair appointed as such committee, Mimms, McElroy and Smith.

H. B. No. 12, "An Act to amend an act entitled 'An Act establishing a common school system for the Territory of Montana.'"

On motion of Parrott, the report of the committee was adopted.

On motion of McCullough, the bill was referred to a select committee of three.

Chair appointed as such committee McCullough. Parrott and Mimms.

On motion of Hanna, House adjourned to two o'clock p. m.

AFTERNOON SESSION.

House met at two o'clock p. m. with the Speaker in the Chair.

Roll called.

Present — Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker — 8.

Absent—Corry, Daems, Hanna, McElroy and LaFontaine.

Smith, chairman on Engrossment, reported: Having examined H. B. No. 1. we find the same correctly engrossed.

A. J. SMITH, Chairman.

Mr. Speaker called Maxwell to the chair.

The following report from the Auditor was received:

TERRITORIAL AUDITOR'S OFFICE,
Virginia City, M. T., March 15, 1866.

To the Honorable, the Members of the House of Representatives, Assembly of the Territory of Montana:

GENTLEMEN: The misapprehension that seems to exist in the minds of some of the members of your honorable body relative to the manner in which the

Auditor has discharged the duties of his office, prompts me to make the following statement before retiring from that position of honor which the unanimous voice of a former Legislature was pleased to confer upon me: On entering upon the duties of the office of Auditor, the law made it my duty to supply each county in the Territory with the necessary blanks for issuing licenses, tax receipts, balance certificates, scrips, etc., amounting to 50,000 or 60,000 blanks.

There was but one printing press in the Territory, and they would work for nothing but gold dust. The press of Salt Lake would not work for the liabilities of the Territory. Thus situated, I felt that I had caught a larger elephant than I could conveniently handle. Fortune, however, favored me in the possession of a small hand press, which I placed in the hands of Mr. M. H. Lott, who did the necessary work at rates comparatively liberal, and received his pay in scrip, amounting to $4,126.00. Tilton & Co. then proposed to do the work for Territorial scrip; and I gave it to them at rates somewhat higher; but the work was done in better style, to the amount of $2,042.00 — a considerable portion of which is still on hand in the office.

The demand for blanks did not come up to the estimate I had made. Some of the counties did not organize, hence, needed none. The manner of conducting the business of the office, that I have adopted, is as follows:

The blanks are all numbered and signed by me, and charged to the County Treasurer to whom they are issued, and they are held strictly accountable for each individual blank, and a duplicate account of its issue is returned to this office on settlement with them, and here kept as evidence of the correctness of such settlement. The County Treasurer is charged with the amount thus shown to have been collected, and credited with Territorial Treasurer's receipts for the amount deposited with him, said receipts being filed in this office, and the Territorial Treasurer charged with the amount so receipted, and credited with the amount of scrip here deposited and cancelled — which is also carefully filed, and kept as an evidence of the transaction.

The issue of scrip is only on proper vouchers, filed in the office, and an account opened with any person with a credit for the amount of his vouchers, and debtor to the amount of scrip issued to him — the number and date of which is carefully entered — duplicated account of which is kept and filed with the Territorial Treasurer, by a reference to which he redeems and cancels, or pays said scrip; thus rendering it impossible for any scrip to be redeemed that was not legally issued.

No scrip has been issued by any persons outside the provisions of law, except to the County Commissioners for stationery, office rent, etc., — which the necessity of the case seemed to demand — and is the only claim I have for your indorsement of the act.

I had intended to propose an elaborate and detailed account of the business of the office, but found it would be as cumbersome as the books of the office themselves, to which I propose to invite your attention through your committee, as being more satisfactory than such a report could be made.

Most respectfully your obedient servant,

JOHN S. LOTT,
Auditor Territory of Montana.

Report referred to committee on Finance.

H. B. No. 16, "An Act to amend an act authorizing Oliver Tootlenseger to establish a ferry on the Missouri river."

Read second time for information, and, on motion, referred to select committee, composed of Maxwell, McElroy and Mimms.

H. B. No. 20, "An Act to incorporate the Blackfoot water company."

Read with report of committee on Incorporations, and, on motion of McCullough, was laid on the table indefinitely.

H. B. No. 18, read second time for information.

Weed, chairman of committee on Printing, reported:

Mr. Speaker: Your committee on Printing beg leave to report that they have attended to their duties in regard to H. B. No. 23, as ordered, and that said bill has been properly printed. WEED, Chairman.

Parrott called up said H. B. No. 23, and had it referred to committee on Judiciary.

House went into Committee of the Whole on election returns.

House resumed.

Mimms, chairman of Committee of the Whole on election returns, asked further time to report, which was granted.

McCullough, chairman of Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole, having had under consideration the Governor's message in relation to Indian difficulties, would report the same back to the House, and recommend that a select committee of five be appointed to investigate the same and report to the House a state of facts in relation to the same, and draft a bill to this end, if necessary.

J. S. McCullough, Chairman.

On motion of Daems, the report was adopted.

Mr. Speaker appointed the committee so recommended by the Committee of the Whole, Parrott, Maxwell, Daems, Rice and Smith.

On motion of Mimms, fifty copies of each of the reports of the committees on Indian Affairs, Finance and Federal Relations, were ordered to be printed.

On motion of McCullough, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

John F. Rucker, Clerk House of Representatives.

THIRTEENTH DAY.

House of Representatives, Virginia City, M. T.,
Tuesday, March 20, 1866.

Mr. Speaker called House to order at the usual hour.

Roll called. Present—Corry, Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—11.

Absent — LaFontaine and McElroy — 2.

Prayer by the Chaplain.

Yesterday's journal read and approved.

McCullough, chairman on Incorporations, reported:

Mr. Speaker: Your committee, to whom was referred H. B. No. 21, beg leave to report that they have examined the same, and would respectfully recommend its passage.

J. S. McCullough, Chairman.

Weed, chairman of committee on Printing, reported:

Mr. Speaker: Your committee on Printing, to whom was referred H. B. Nos. 26 and 27, beg leave to report that they have examined the same, and find them correctly printed.

Weed, Chairman.

Rice, chairman of committee on Towns and Counties, to whom was referred C. B. No. 28, "An Act to amend an act entitled 'An Act defining the boundary lines of counties in Montana Territory,'" have carefully examined the same, and recommend that the bill pass with the following amendments:

Section 1, line 24, after the words "Vermillion Butte," insert "to the mouth of Bacon creek;" all of which is respectfully submitted.

J. N. Rice, Chairman.
J. McElroy,
R. W. Mimms.

McCullough, chairman of select committee on C. B. No. 5, reported:

Mr. Speaker: Your select committee, to whom was referred C. B. No. 5, beg leave to report that they have had the same under consideration, and find that the power vested in the County Commissioners, as provided in said bill, is not sufficiently restricted. Also the fees allowed by them to the Inspector of Weights and Measures, are burdensome to the people.

We further find that universal system of inspection will be most likely to meet the intention of the law, as provided in said bill. We, therefore, recommend that the amendment offered to this bill by your committee be adopted.

Strike out of Section 2, after the word "each," the words "township or

district," and insert "voting precinct;" also, after the word "persons," in the 4th line of said section, insert "hereafter mentioned;" also after the words "after the office of Inspector of Weights and Measures," in the 5th line of said section, insert "such public place in each voting precinct as the County Commissioners shall designate in the hand-bill aforesaid."

Also in section 3d, in the 3d line of said section, strike out the word "counties," and insert the words "voting precinct."

Also, in said section in the 4th line, strike out the words "his office at the county seat of said county," and insert "the places designated in the hand-bills aforesaid."

Also, remove Sec. 7 to Sec. 10 of this act; add to Sec. 7, that each Inspector of Weights and Measures is hereby authorized to collect, as his fees for inspecting, measuring, stamping and comparing such balances, weights and measures as are enumerated in Sec. 3 of the act, as follows, to wit:

For inspecting and comparing each pair of scales of any kind whatever, together with the weights belonging to the same, the sum of $1.

For each set of measures, $1.

For each ballance, $1.

For every other set of weights or measures, $1.

Add, Sec. 8, that all ballances, weights or measures, so inspected, measured, or compared, by the Inspector of weights and measures, if found correct, shall be by him stamped, but none other.

J. S. McCULLOUGH, Chairman.

Report received and committee discharged.

Mimms, chairman of select committee on H. B. No. 15, reported:

Mr. Speaker: Your committee, to whom was referred H. B. No. 15, "An Act to incorporate the Ten Mile and Last Chance consolidated water ditch company," have had the same under consideration, and have elicited the following facts relating thereto:

That the original company consisted of thirteen members; that said company commenced work on said ditch about November 1st, 1864, and have dug over seven miles of the ditch, except a little blasting, which has to be done. About four miles of digging, and about two miles of fluming, yet remain to be done. The cost of the ditch, so far, amounts to about $11,000, and it is estimated that it will cost about $15,000 to complete the ditch.

It is important to the people of Last Chance and Dry gulches, also the people of Helena city, that the ditch should be completed at the earliest possible period. While this is true, it is also true that quite a number of settlers have settled on Ten Mile creek, being the same that the said ditch is to take water from, who, perhaps, are entitled to some portion of the water belonging to said creek.

That, for the most part of the year, there will be sufficient water to supply the ditch and the farmers residing along said stream.

Therefore, your committee beg leave to report back said bill, recommending that, after properly amending with a view to both the mining and the farming interests, the bill do pass.

R. W. MIMMS, Chairman,
A. J. SMITH,
J. McELROY.

Report received and committee discharged.

The Select committee on C. B. No. 7, Education bill, and bill for appropriation to repress Indian difficulties, were granted further time.

McCullough, chairman of select committee on C. B. No. 20, reported:

Mr. Speaker: Your select committee, to whom was referred C. B. No. 20, beg leave to report that they have had the same under consideration, and find no facts pro or con.

J. S. McCULLOUGH, Chairman.

Report received and committee discharged.

Mimms, chairman of Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole have had under consideration a communication from his Excellency, Thomas Francis Meagher, Secretary

and Acting-Governor, in respect to a resolution passed by the House relative to the election returns of the several counties of the Territory, cast at the last general election, Sept. 4th, 1865; as also certain pretended election returns from Choteau county.

Mayhew, of Deer Lodge, introduced the following resolution, which was passed by the committee, and it is hereby recommended that it pass the House:

Resolved, by the House of Representatives, the Council concurring: That the votes, as returned to the Secretary's office of this Territory, from the counties of Missoula and Choteau, are a fraud, as appears on the face of said returns of the counties, and that the same are hereby condemned; and that the perpetrators of the same are guilty of a violation of the laws of the Territory, and, therefore, meet the just condemnation of the good citizens of the Territory.

R. W. MIMMS,
Chairman of Committee of the Whole.

Report received and adopted.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: Your committee on Incorporation, to whom was referred joint-resolution No. 3, would report that they have examined the same, and recommend that it do not pass.

J. S. MCCULLOUGH, Chairman.

On motion of Maxwell, the report was received, and joint-resolution No. 3 laid on the table.

Mr. Speaker called Maxwell to the Chair, and gave notice that on the 23d inst. he would introduce a general incorporation law.

Hanna, pursuant to notice, introduced H. B. 29, "An act to incorporate the Montana flume and mining company."

Read 1st and 2d times, and referred to committee on Incorporations.

Mayhew, no objection being offered, introduced H. B. No. 30, "An Act to divorce Martha A. and Allen Williams."

Read 1st and 2d times, and referred to committee on Judiciary.

Mr. Speaker took the Chair.

Mimms, pursuant to notice, introduced H. B. No. 31, "An Act to establish a ferry over the Missoula river."

Read 1st and 2d times and, on motion of Maxwell, was referred to select committee.

Mr. Speaker appointed as such committee, Maxwell, McElroy and Hanna.

Maxwell pursuant to notice, introduced H. B. No. 32, "An Act to amend an act entitled 'An Act defining the duties of Territorial Auditor and Treasurer.'"

Read 1st and 2d times and referred to committee on Finance.

Corry offered the following:

Resolved, That twenty-six copies of bills of a private nature, hereafter introduced into this House, of which no previous notice has been given, shall be printed or written and placed on the members' tables, at the expense of the party applying for the franchise.

Corry moved, and was seconded, that the resolution be adopted.

Smith moved to lay the resolution on the table. Decided out of order.

Ayes and nays called for on the adoption of the resolution.

Ayes—McCullough and Corry—2.

Nays—Hanna, Maxwell, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—9.

Absent—Daems and LaFontaine—2.

Resolution lost.

Maxwell offered the following resolution:

Resolved, That a committee of three be appointed by the House to act with a like committee from the Council for the purpose of taking under consideration the fee bill, and report the result of their action.

On motion of Mimms, the resolution was received.

Mr. Speaker appointed as such committee, Maxwell, Rice and Parrott.

Joint-resolution No. 4 read 1st and 2d times.

Rules suspended and read 3d time, and put to final passage.

Ayes — Corry, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker — 11.

Nays — None.

Absent — Daems and LaFontaine — 2.

Resolution passed.

Corry offered the following resolution:

Resolved, That the Attorney-General of this Territory be requested to furnish this House with his written opinion on the legality of the divorce bills granted by the Legislature of this Territory, and the power, or right, of the Legislature to grant divorces.

On motion of Mimms the resolution was laid on the table.

McCullough moved to adjourn. Seconded.

The ayes and nays were called for.

Ayes — Corry, Hanna, Maxwell, McCullough, Rice, Parrott and Weed — 7.

Nays — Mimms, Smith and Mr. Speaker — 3.

Absent — Daems, LaFontaine and McElroy — 2.

Motion prevailed, and the House adjourned to 2 o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment, with Speaker in the Chair.

Roll called. Present — Corry, Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker — 11.

Absent — LaFontaine and McElroy — 2.

A communication was received from the Council announcing the passage of C. B. Nos. 17, 12, 37 and 38, and the appointment of Phelps and Merriman as a committee to act in conjunction with House committee, to draft a bill regulating fees of officers.

C. B. 17, "An Act to divide the present county of Gallatin to make two counties out of the same."

Read 1st and 2d times, and referred, on motion, to select committee.

The Speaker selected as such committee, Parrott, Maxwell and Mimms.

C. B. No. 37, "An act to dissolve the bonds of matrimony between Margaret Maloney and D. Maloney."

Read 1st and 2d times, and, on motion, the rules were suspended, and bill read third time, and put to its final passage.

Ayes — McCullough, Mimms, Weed and Smith — 4.

Nays — Corry, Daems, Hanna, Maxwell, Parrott, Rice and Mr. Speaker — 7.

Excused — McElroy — 1.

Absent — LaFontaine — 1.

Bill lost.

C. B. No. 38, "An Act to dissolve the bonds of matrimony between F. A. Richardson and Foster Richardson."

Read 1st and 2d times, and, on motion, the rules were suspended and bill read 3d time, and put to final passage.

Ayes — McCullough, Mimms, Smith and Weed — 4.

Nays — Corry, Daems, Hanna, Maxwell, McElroy, Parrott, Rice and Mr. Speaker — 8.

Absent — LaFontaine — 1.

Bill lost.

C. B. No. 12, "An Act to establish a toll-road from Rea city to Pacific city, in Deer Lodge county."

Read 1st and 2d times, and referred to select committee.

Chair appointed Maxwell, McCullough and Daems as such committee.

C. B. No. 20, "An Act to dissolve the bonds of matrimony between Peter Ruswick and Lydia Ruswick."

Read third time, and put to final passage.

Ayes — McCullough, Smith and Weed — 3.

Nays — Corry, Daems, Hanna, Maxwell, McElroy, Mimms, Parrott, Rice and Mr. Speaker — 9.

Absent — LaFontaine — 1.

Bill lost.

H. B. No. 18, "A bill to incorporate the Highland district gulch mining company."

Read for information, and, on motion, House went into Committee of the Whole on said bill.

House resumed.

H. B. No. 10, "An Act to incorporate the Jefferson river water ditch company."

Read with amendments proposed by committee on Incorporations for information.

On motion of Parrott, House went into Committee of the Whole to consider said bill.

House resumed.

Maxwell gave notice that on to-morrow, or some subsequent day, he would introduce a bill incorporating the Montana mutual fire insurance company.

Mimms, chairman of Committee of the Whole, asked further time to make his report, which was granted.

McCullough, chairman of Committee of the Whole on H. B. No. 18, reported:

Mr. Speaker: The Committee of the Whole, having had under consideration H. B. No. 18, agree to refer it back to the House, and that the bill be referred to a select committee of three of the members of Madison County.

J. S. McCullough, Chairman.

Report received and adopted.

Mr. Speaker appointed as such committee, McCullough, Daems and Rice.

On motion, House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

John F. Rucker, Chief Clerk House of Representatives.

FOURTEENTH DAY.

House of Representatives, Virinia City, M. T.,
Wednesday, March 21st, 1866.

House met at the regular hour. Speaker in the Chair.

Roll called. Present—Daems, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—10.

Absent—Corry, Hanna and LaFontaine—3.

Prayer by the Chaplain.

Journal of Yesterday read and approved.

Weed presented a memorial from the Quartz Bureau, praying for a change in the quartz law, which was read and referred to the committee on Mines and Minerals.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: Your committee, to whom was referred H. B. No. 25, beg leave to report that they have examined the same, and recommend its passage after being amended as follows:

In Section 1st, line 12, strike out the words "ten years," and insert in place thereof "five years;" also insert at Sec. 5, "This act may be amended, modified or repealed by any subsequent session of the Legislature;" also, to move Sec, 5 to 6.

Report received.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment, having examined Joint-resolution No. 4, find the same correctly engrossed.

A. J. Smith, Chairman.

Maxwell, chairman of select committee on C. B. No. 12, reported:

Mr. Speaker: Your committee, to whom was referred C. B. No. 12, entitled "An Act to establish a toll-road from Rea city to Pacific city, in Deer Lodge county," respectfully beg leave to report that they have had the same under consideration, and find that said road is about fourteen miles in length, and is already completed three miles, or more, and that it passes over a rough and rugged road, and, if completed, it will be of much benefit to the traveling

public. Your committee, therefore, recommend that the bill pass, with the following amendments, to wit:

Line 9, Sec. 1, strike out the words "one mile," and insert "four rods."

Line 13, after the word "act,", strike out the following words, to wit:

"And it shall be lawful for said company to collect such rates of toll as may be fixed by the County Commissioners of the county in which said road shall be located."

Line 26, after the word "road," strike out the remainder of said section.

Sec. 2. The said Alfred Maynard, his associates, nor assigns, shall have power to collect, nor receive, any toll until after said road shall have been wholly completed and formally accepted by the County Commissioners of Deer Lodge county.

Sec. 3. That the said Alfred Maynard, his associates or assigns, after complying with Section 2 of this act, shall have power to collect and demand and receive not to exceed the following rates of toll, to wit:

For one wagon with two horses, mules or oxen, $1; each additional span of horses, mules or oxen, .25; for man and horse, .25; for pack animals, each, .25; for loose horses or cattle, each, .10; for sheep or hogs, each, .05.

Section 2 be changed to section 4.

Section 5. The County Commissioners of the county of Deer Lodge, at any regular meeting after the first day of May, 1868, upon petition for that purpose, shall have power to reduce the rates of toll mentioned in this act.

Sec. 6. This act may be modified or amended by any subsequent Legislative Assembly after the passage of this act.

Section 3 be changed to section 7.

A. S. MAXWELL, Chairman.

Report received, and committee discharged.

Maxwell, chairman of select committee on H. B. No. 16, reported:

Mr. Speaker: The select committee, to whom was referred H. B. No. 16, entitled "An Act to amend an act authorizing Oliver Lootsenhauzer to establish a ferry on the Missouri," beg leave to report that the said ferry, known as the Upper ferry, is one of the principal channels of communication between Helena and Gallatin county, and has been in operation for more than one year, and that the same is necessary to the traveling public.

Your committee would, therefore, recommend that the said amendatory act pass, with the following amendments, to wit:

Strike out all of the first section.

That the 2d section be changed to section 1st.

That the said Oliver Lootsenhauzer, his associates, successors and assigns, shall have power to demand, collect and receive, not to exceed the following rates of toll:

For footman crossing said bridge, free; for footman crossing said ferry, .25; man and horse, .50; pack animals, .25; loose horses and cattle, each, .15; sheep and hogs, each, .05; a wagon with two horses, mules or oxen $2; each additional span of horses, mules or oxen, .50.

Section 3. That the County Commissioners of Meagher county, at any regular meeting after the 1st day of May, 1868, upon petition for that purpose, shall have power to reduce the rates of toll mentioned in this act.

Section 4. That the franchise granted by the provisions of this act shall not be deemed and taken as a denial of the right of any person to ford said river, nor the right of anybody to build a free bridge, or establish a free ferry, within the limits prescribed by the act, to which this is amendatory, for the building of such ferry or bridge.

That section 3 be changed to section 5.

Add the following section:

Section 6. This act may be altered, modified or amended by any subsequent Legislative Assembly after the passage of this act.

Section 7. This act to take effect and be in force from and after its passage and approval.

A. S. MAXWELL, Chairman.

Report received and committee discharged.

Maxwell, chairman of select committee on H. B. No. 31, reported:

Mr. Speaker: Your committee, to whom was referred H. B. No. 31, entitled "An Act to authorize James Warren and B. Dickerson to establish a ferry over the Missoula river," respectfully beg leave to report that they have had the same under consideration, and find that said ferry has been in operation for some time, and that the same is necessary to the traveling public.

Your committee, therefore, recommend that said bill be passed, with the following amendments:

Section 1st and line 14, strike out the word "five," and insert the word "two."

Section 1st, line 17th, strike out the word "ten," and insert the word "five."

Same section and line, after the word "year," strike out the remainder of the section, and insert the following:

Provided that this franchise be not deemed and taken as a denial of the right to any party to establish a free ferry within the limits prescribed by this act for the establishment of said ferry.

Section 2, line 4, after the word "receive," insert the words "not to exceed."

" " Strike out the figures $4.00, and insert the words "two dollars."

" " Strike out the figures $2.00, and insert the words "fifty cents."

" " Strike out the figures $1.50, and insert the words "fifty cents."

" " Strike out the figures $1.00, and insert the words "twenty-five."

" " Strike out the figures .50 and insert the word "fifteen."

" " Strike out the figures .25, and insert the word "five."

" " Strike out the figures .25, and insert the words "twenty-five."

Strike out Section 3, and insert the following in lieu thereof:

Section 3. The County Commissioners of Missoula county, at any regular meeting after the first day of May, 1868, upon petition for that purpose, may reduce the rates of toll mentioned in this act.

Section 5. This act may be altered, modified, or amended, by any subsequent Legislative Assembly after the passage of this act.

Change Section 5 to Section 6.

A. S. Maxwell, Chairman.

Report received, and committee discharged.

McCullough, chairman of select committee on H. B. No. 12, offered a report which was, on motion, recommitted.

Mimms, chairman of Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole, having had under consideration H. B. Nos. 10 and 21, beg leave to make the following report:

H. B. No. 10—Section 1, after the name of "Rondybush," insert "Geo. E. Kettle, Harrison Jorden, John Hacks, John Mon, and George Bruffy."

Section 2, on 3d line, strike out the words "two years," and insert the words "six months." On line 5, same section, strike out "from any accessible point on the Jefferson river."

Add to section 2 the following: "Provided that this franchise shall not be deemed and taken as a denial of the right to any person to build a ditch for individual use within the limits prescribed by this act for building such ditch."

Section 3, on the last line, strike out "twenty," and insert "ten."

Section 4, strike out all of this section, and insert the following:

Said company shall so construct said ditch as not to interfere with the natural flow of the water which said ditch may cross; and that this act shall be subject to modifications, amendments, or repeal, at any time by a subsequent Legislature.

H. B. No. 20—Section 1st, after the word "successors," insert "and assigns."

Section 2, on the 18th line, strike out all after the word "bar," and add, "the powers conferred by this section shall not, in any way, interfere with prior or vested rights: Provided, that the same does not interfere with any miners in the said Georgia Gulch, or those that may hereafter be discovered."

Section 3, on the 4th line, strike out the words "one dollar," and insert the words "fifty cents."

On the 5th line, strike out "seventy-five," and insert "twenty-five."

On the 6th line, strike out "fifty," and insert "fifteen;" and after the word

"head," on the 6th line, add "ten cents per inch for the fourth head."

Strike out all of section 4; section 5 then becomes section 4.

After the word "continue," strike out the following: "For the term of ten years from and after the passage of this act, and this act shall take effect and be in force from the time of its passage."

R. W. MIMMS, Cairman.

Report received, and amendments and bill ordered engrossed.

On motion of Parrott, and seconded by Corry, the vote on C. B. No. 20 was reconsidered, and on motion of Smith said bill was referred to select committee.

Mr. Speaker appointed Smith, Parrott and McCullough as such committee.

Mimms introduced joint-resolution No. 5, providing for the adjournment of the Legislature on the 31st inst.

Read 1st and second times.

Daems moved to suspend the rules, and put the resolution to a third reading. Lost, and resolution referred to committee on Judiciary.

Maxwell offered the following resolution:

Resolved, That all bills of a private nature, hereafter introduced, be considered as laid on the table, until bills of a general nature be considered and acted upon.

Parrott moved its adoption.

Ayes and nays called for.

Ayes — Corry, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Weed and Speaker — 10.

Nays — Daems and Smith — 2.

Absent — LaFontaine — 1.

Resolution adopted.

A communication from the Council was read, announcing the passage of C. B. No. 42, and that H. B. No. 14, divorcing E. P. Warring and R. P. Warring, was lost.

Mr. Speaker called McCullough to the Chair.

C. B. No. 42, "An Act dissolving the bonds of matrimony between Sarrah Shell and Geo. W. Shell."

Read 1st and 2d times, and, on motion of Corry, the rules were suspended, and the bill read 3d time, and put to its final passage.

Ayes — Weed — 1.

Nays — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, and Smith — 10.

Absent — LaFontaine and Mr. Speaker — 2.

Bill lost.

Maxwell called up C. B. No. 9, "An Act to incorporate the Marshal ferry and bridge company."

Read with committee's amendments for information, and, on motion of Smith, the amendments were adopted.

On motion of Maxwell, the word "two" was stricken out, and "one" inserted in section 3, and line 9.

Parrott offered the following amendments, which were adopted:

After the word "if," in the 3d line of section 3, strike out "one year," and insert "six months." After the word "bridge," in the 9th line, insert the words "or ferry."

Strike out all after the word "act," in the 10th line in said section, and insert the following: "Then, and in that event, no right shall accrue to said company, their successors, or assigns, by virtue of this act."

Strike out the word "construct," in the 3d and 4th lines of section 3, and insert the words "commence to construct."

After the word "any," strike out all after the word "to," and insert in lieu thereof, "before the setting of the next Legislature."

On motion of Mimms, the bill was adopted as amended, and rules suspended, and bill read third time and put to final passage.

Ayes — Corry, Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith and Weed — 10.

Nays — Mr. Speaker — 1.

Absent — LaFontaine and McElroy — 2.

Bill passed and title agreed to.

A communication was received from the Governor, announcing that he had approved C. B. No. 34, "An Act dissolving the bonds of matrimony between Allen Anson and Annette Anson."

On motion House adjourned till half past two o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment, with Speaker in the Chair.

Roll called. Present — Maxwell, McElroy, McCullough, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker — 9.

Absent — Corry, Daems, Hanna and LaFontaine — 4.

Mimms called up H. B. No. 26, "An Act to amend an act entitled 'An Act concerning license,'" approved February 9, 1865, and had the same referred to committee on Finance.

Parrott, chairman of select committee on C. B. No. 17, reported:

Mr. Speaker: Your select committee, to whom was referred C. B. No. 17, "An Act to divide the present county of Gallatin and create two counties out of the same," have had the same under consideration, and find that there is an existing necessity for a division of said county, and are of the opinion that it is the desire of a large majority of the citizens of the different sections of the county that said division should be made.

Your committee, therefore, report back the bill without amendments, and recommend the same to the favorable consideration of the House.

R. B. PARROTT, Chairman.

Report received and committee discharged.

Mimms moved to suspend the rules. Withdrawn.

On motion of Maxwell, the bill was made the special order at 4 o'clock.

Mimms called up H. B. No. 27, "An Act to prohibit marriage and co-habitation of whites with Indians, Chinese and persons of African descent," and had it referred to committee on Judiciary.

H. B. No. 28, "An Act to amend an act entitled 'An Act defining the boundary lines of counties in Montana Territory,'" passed February 2d, 1865, read with committee's amendments, and amendments and bill as amended adopted, and ordered engrossed.

C. B. No. 5, "An Act to amend an act concerning weights and measures," approved January 24, 1865, read with committee's amendments for information. Amendments, and bill as amended, adopted.

On motion, the rules were suspended, bill read third time, and put to final passage.

Ayes — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker — 12.

Nays — None.

Absent — LaFontaine — 1.

Bill passed and title agreed to.

H. B. No. 15, read 2d time for information, and referred to committee on Incorporations.

H. B. No. 25, read for information, and re-committed.

H. B. No. 31, "An Act to establish a ferry on the Missoula river," read with amendments proposed by committee. Amendments, and bill as amended, adopted, and ordered engrossed.

Smith, chairman of committee on Enrollment, reported:

Mr. Speaker: Committee on Enrollment have examined H. B. No. 10, and find the same correctly engrossed.

A. J. SMITH, Chairman.

H. B. No. 10, "An Act to incorporate the Jefferson river water ditch company," read 3d time, and put to final passage.

Ayes — Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker — 9.

Nays — Corry, Daems and Hanna — 3.

Absent — LaFontaine — 1.

Bill passed and title agreed to.

C. B. No. 12, "An Act to establish a toll-road from Rea city to Pacific city, Deer Lodge county," read with committee's amendments. Amendments, and bill as amended, adopted.

On motion of Smith, the rules were suspended, bill read third time, and put to final passage.

Ayes — Hanna, Maxwell, McElroy, Mimms, Smith, Weed and Speaker — 7.

Nays — Corry, Daems, McCullough, Parrott and Rice — 5.

Absent — LaFontaine — 1.

Bill passed and title agreed to.

H. B. No. 16, read with amendments. Lost.

On motion of Mimms, the bill was referred to Committee of the Whole tomorrow at 2 o'clock p. m.

C. B. No. 17, "An Act to divide the present county of Gallatin and creating two counties out of the same," read for information 2d time.

McCullough offered the following amendment:

In section 1st, strike out the following: "An imaginary line running due east and west across said county, crossing the Missouri river at the head of the canon, on said stream, at the lower end of Horse Shoe bend," and insert in lieu of the same, "commencing at the summit of Coon mountains, and running a due east line, crossing the Missouri river at a point six miles north of the mouth of Crow creek, and continuing due east to the summit of the belt range." Also, in line 12, strike out the "imaginary line," and insert in lieu of the same, "natural boundary."

Amendment lost. Bill read 3d time, and put to final passage.

Ayes — Corry, Daems, Hanna, Maxwell, McElroy, Mimms, Parrott, Rice, Smith and Mr. Speaker — 10.

Nays — McCullough and Weed — 2.

Absent — LaFontaine — 1.

Bill passed and title agreed to.

On motion of Mimms, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Clerk House of Representatives.

FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Thursday, March 22, 1866.

House met at the usual hour, with Speaker in the Chair.

Roll called. Present — Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker — 10.

Absent — Corry, LaFontaine and McElroy — 3.

Prayer by the Chaplain.

Yesterday's journal read and approved.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: The committee on Judiciary, to whom was referred H. B. No. 27, have had the same under consideration, and beg leave to submit the following report: To strike out the word "Indian," in the enabling clause; also in section 1st, line 1st, strike out the word "Indian," and also in section 3d, line 2d, the word "Indian." Your committee would respectfully recommend the passage of the said bill with the amendments as stated in this report.

R. B. PARROTT, Chairman.

Parrott, chairman of committee on Judiciary, also reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred H. B. No. 30, a bill for "An Act divorcing Martha and Allen Williams," beg leave to report that they have had said bill under consideration, and find that it is impolitic, and, in many instances, unjust, if not altogether unlawful, for a Legislature to grant divorces.

Your committee are of the opinion that these questions properly belong to the Judiciary, and that great injustice may be done by granting divorces without proof, or on *ex parte* affidavits; especially when but one of the parties have any knowledge of the application for divorce. By such action of the Legislative body, the absentee, ever so innocent, may be deprived, not only of all her just claims to property, but her or his character; and children too, may be seriously affected by such action. Your committee, therefore, recommend that said bill do not pass.

R. B. RARROTT, Chairman.

The following communication was received from the Governor:

EXECUTIVE OFFICE, MONTANA TERRITORY,
Virginia City, March 22, 1866.

To the Honorable the Speaker of the House of Representatives:

SIR: I have had under serious consideration for the last three days, the act divorcing John F. Godfrey and Mary E. Godfrey, and have finally approved it, being satisfied that it is a just, proper, and necessary act, and one which neither of the parties concerned will find fault with."

I have given the act the serious inquiry and reflection which the grave, critical and sacred character of such a dispensation not only indicates, but demands; and whatever delay occurs in my action upon all such acts, must be ascribed to my estimate of the solemn consequences involved in them, as well as the amount of justification upon which they are based.

I have the honor to be, very truly, your ob't servant,

THOMAS FRANCIS MEAGHER,
Acting-Governor.

Another communication was received from the Governor, announcing his approval of the act concerning dower.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred H. B. No. 32, beg leave to report that they have had it under consideration and recommend its passage, with the following amendments, to wit:

After the word "issue," in the last line in said bill, add the following:

Section 2. This act shall take effect and be in force from and after its passage and approval by the Governor.

R. B. PARROTT, Chairman.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment, having examined H. B. Nos. 28 and 31, find the same correctly engrossed.

A. J. SMITH, Chairman.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: Your committee on Incorporations have filled the blanks in H. B. No. 25, as requested, and recommend its passage. Blanks filled as follows:

Footmen, twenty-five cents; man and horse, fifty cents; loose horses and cattle, each, fifteen cents; sheep and hogs, each, five cents; a wagon with two animals, two dollars; each additional span, fifty cents.

J. S. MCCULLOUGH, Chairman.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred H. B. No. 26, beg leave to report that said bill seems to your committee more in the nature of a law prohibiting than licensing the business referred to in said bill.

Your committee are of the opinion that the taxes on the people of the Territory should be decreased rather than increased; hence, your committee would respectfully recommend that said bill do not pass in its present form, and that it be referred to committee on Ways and Means — that they may prepare a bill regulating the taxes and license collected in the Territory.

R. B. PARROTT, Chairman.

On motion of Mimms, the report was received and adopted.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred H. B. No. 11, beg leave to report that they have considered the same, and respectfully recommend its passage, with the following amendments, to wit:

Strike out all after the words "an act," in the first line, and insert the following:

"Regulating the terms of the Probate Court of Deer Lodge, and fixing the place of holding the same."

"Be it enacted by the Legislative Assembly of Montana Territory, as follows:

"Section 1st. That the regular term of the Probate Court in and for the county of Deer Lodge, Territory of Montana, shall be held on the first Monday of each month, at the places mentioned in the two following sections, and that the said Probate Court, of said county, shall have appellate jurisdiction in all cases appealed from Justices of the peace in said county, and shall try and determine the same at such place where the said court shall hold its regular session: Provided, that no case shall be tried in any other place except where the same shall be commenced, unless the said case, or cases, be taken away from such place by change of venue according to the statutes in such cases made and provided.

"Sec. 2. That there shall be regular terms of the said court held at the county-seat of said county on the first Mondays of April, June, August, October, December, and February of each year, when all cases relating to the settlement of estates, and other probate business, shall be tried and determined; and all other cases to be tried and determined, either at chancery or common law, that are commenced at the said county-seat.

"Sec. 3. That the Judge of the said Probate Court shall hold regular terms of the said court at Reynolds city, in the said county, on the first Mondays of May, July, September, November, January, and March of each year: and all cases, either in chancery or at common law, shall be tried and determined at said terms of the said court that are commenced at Reynolds city; and that all processes issued by the Judge of said court, or the Clerk thereof, at the said Reynolds city, shall be made returnable at the said regular term of said court, and the same shall have the same force and effect as if issued at the county-seat; and the Sheriff is hereby required to provide suitable rooms for the holding of the said court at Reynolds city, as he is required to do at the county-seat.

"Sec. 4. This act shall take effect and be in force from and after its passage and approval."

R. B. PARROTT, Chairman.

Report received.

Parrott, chairman of committee on Judiciary, also reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred H. B. No. 23, beg leave to report that they have had said bill under consideration, and recommend its passage, with the following amendments, to wit:

After the word "a," in the 2d line, in the 22d section, strike out the words "certified copy" of the complaint with "a;" also the words "thereto attached," after the word "summons," on said line; after the word "the," in the 4th line of section 22d, strike out "complaint and."

After the word "complaint," in the 3d line of section 24, strike out the words "within ten days after service of complaint and summons," and insert the following in lieu thereof "on or before the morning of the 2d day of the next term of the court in which said action is pending."

In the 4th line of section 24th, after the word "brought," insert "service shall be made ten days before the first day of the next term thereof."

In lines 7 and 8, section 24, strike out all after "the complaint," in 7th line.

In lines 1 and 2, section 29, after the words "copy of the," strike out the words "complaint with the;" and in the 2d line of said section, after the word "summons," strike out "attached thereto."

After the word "copy," in the 10th line of section 29, strike out "complaint on;" after the word "summons," in said line, strike out the words "attached thereto."

After the word "the," in the 1st line of section 25, strike out the words "complaint on." After the word "sum," in the 2d line of section 93, strike out "not more than the." After the "case," in the 6th line, in section 94,

insert the following, to wit: "The Sheriff is authorized." After section 672 add the following section:

Section 673. This act shall take effect and be in force from and after its passage and approval by the Governor.

R. B. PARROTT, Chairman.

Report received.

Parrott, chairman of select committee on C. B. No. 18, reported:

Mr. Speaker; Your committee, to whom was referred C. B. No 18, respectfully report that they have had the same under consideration, and carefully considered all matters pertaining to the same, and report the following amendments, and recommend the passage of the bill as amended:

Strike out of the title "John J. Murphy, Baptiste Steel and James H. Brown," and insert "E. H. Irvine and E. C. Mason;" also, strike out all of section 1st, after the words "J. S. Mood," and insert "E. H. Irvine and E. C. Mason, and their associates, successors and assigns, are hereby authorized to construct and maintain a toll-road, commencing about one mile below the junction of the Hell Gate and Big Blackfoot rivers, through the big canon on the same, to about the mouth of Elk creek; thence up said creek to Reynolds city; also, from about the mouth of Elk creek by the most practicable route to about the mouth of the Nile; and from thence by the most practicable route to Poor Man's gulch, Jefferson and Ophir gulches. And they shall, within four months from the passage and approval of this act, have the said road completed and in good order for loaded pack animals and loose stock; and, also, the said company shall complete the said road, for the travel of wagons and other vehicles within twelve months after the passage and approval of this act, and have the exclusive right of way for four rods on each side of said road for the term of five years from the passage of this act."

Strike out all of section 2d, and insert as follows:

Section 2. Said company shall not collect any toll on said road until the same is completed in good order for pack animals and loose stock, and a certificate of that fact filed by the Board of County Commissioners of Deer Lodge county with the Recorder of said county; and as soon as the said road is opened and completed, he said company shall keep the same in good condition with safe bridges and culverts to accommodate the public.

Strike out all of section 3d, and insert as follows:

Section 3. That when the said company shall have completed the whole of said road, as above described, they shall have the right to collect, not to exceed the following rates of toll for travel over the whole line of said road to wit: For wagons drawn by one span of horses, mules or oxen, two dollars; each additional span or yoke, one dollar; loose horses, mules, cattle or asses, each, twenty-five cents; horses, mules and rider, or pack animals, fifty cents; for sheep or hogs, each, five cents; footmen, free. Which rates of toll may be divided so as to collect *pro rata* in each gate; but not in all to exceed the rates above allowed: Provided, that the County Commissioners may, at any regular meeting, reduce said rates of toll, upon petition filed, and ten days' notice duly given to a member of said company.

Strike out all of section 4, and insert as follows:

Section 4. Said company may establish and keep on said road, as heretofore described, not to exceed four toll gates; and over each of which there shall be suspended a large bulletin board, on which shall be plainly written or printed the rates of the toll charged at each gate, which rates thus posted shall not, in the aggregate, exceed the toll to be allowed for the whole road as described in this act.

Strike out all of section 5, and insert as follows:

Section 5. That if the said company, their associates, successors or assigns, shall fail or neglect to commence and construct the said road at the time aforesaid, or to keep said road with proper bridges thereon in good order, said company shall take or have no right by virtue of this act, and shall not be allowed to charge or collect toll thereon; nor shall said company collect tolls during deep snows thereon, when the same is in such depth as to cause the same to be traveled with difficulty.

Strike out all of sections 6, 7, 8 and 9, and insert as follows, to wit:

Section 6. This act shall be subject to modifications, amendments, or repeal at any subsequent Legislature.

This act shall be in force and effect from and after its passage and approval.

R. B. PARROTT, Chairman.

Report received and committee discharged.

McCullough gave notice that on to-morrow, or some subsequent day, he would introduce "An Act to amend an act establishing a common school system for the Territory of Montana," approved February 7, 1865.

Joint-resolution No. 5, read for information, and, on motion of McCullough, was laid on the table indefinitely.

A communication was received from the Council announcing the passage of C. B. Nos. 10, 21 and 24, and H. B. No. 1, and joint-memorials Nos. 1 and 2.

Joint-memorial No. 1, read 1st and 2d times and, on motion of Mimms, the rules were suspended and bill read 3d time, and put to final passage.

Ayes — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed, and Speaker — 12.

Nays — None.

Absent — LaFontaine — 1.

Memorial passed and title agreed to.

C. B. No. 21, "An Act concerning Jurors," read 1st and 2d times, and referred to committee on Judiciary.

C. B. No. 24, "An Act to incorporate the Great Beaverhead wagon road company," read 1st and 2d times and, on motion, referred to select committee.

Mr. Speaker appointed Daems, Smith and Mimms as such committee.

Application praying for said charter was also referred to the same.

H. B. No. 28, "An Act to amend an act entitled 'An Act defining the boundary lines of counties in Montana Territory,'" passed February 2d, 1865.

Read 3d time, and put to final passage.

Ayes — Corry, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker — 11.

Nays — None.

Absent — Daems and LaFontaine — 2.

Bill passed and title agreed to.

H. B. No. 31, "An Act to establish a ferry on the Missouri river." Read 3d time and put to final passage.

Ayes — Hanna, Maxwell, McElroy, Mimms, Parrott, Rice, Smith and Mr. Speaker — 8.

Nays — Corry, McCullough and Weed — 3.

Absent — Daems and LaFontaine — 2.

Bill passed and title agreed to.

C. B. No. 18, "An Act to authorize J. I. Mead and others to construct a toll road." Read with committee's amendments.

Mimms offered the following amendment, by striking out of section 3, line 10th, after the word "each," "50," and insert "75."

Corry moved to lay the amendment on the table. Lost.

And on motion of Weed to adopt the amendment, a vote was taken.

Ayes — Daems, Hanna, McElroy, Smith and Weed — 5.

Nays — Corry, Maxwell, McCullough, Mimms, Parrott, Rice and Speaker — 7.

Absent — LaFontaine — 1.

Amendment lost.

On motion of McCullough, the committee's amendments, and bill as amended, was adopted.

Mr. Speaker called Smith to the Chair, and offered the following amendment:

Add to section 2, after the word "public," "and the said County Commissioners shall lower or increase the rates of toll after the said road shall have been completed, if they deem it necessary."

On motion to adopt the said amendment, the ayes and nays were called for.

Ayes — None.

Nays — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker — 12.

Absent — LaFontaine — 1.

Amendment lost.

On motion of Maxwell, the rules were suspended, and the bill read 3d time by its title, and put to its final passage.

Ayes — Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Smith and Weed — 9.

Nays — Corry, Rice and Mr. Speaker — 3.

Absent — LaFontaine — 1.

Bill passed and title agreed to.

On motion of Smith, the House adjourned to 2 o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment, with Mr. Speaker in the Chair.

Roll called. Present — Hanna, Maxwell, Mimms, Parrott, Smith, and Mr. Speaker — 6.

Sergeant-at-Arms was sent for the absentees.

House went into Committee of the Whole on H. B. No. 16.

House resumed.

H. B. No. 30, "An Act to divorce Martha A. and Allen Williams."

Read with report of committee for information and, on motion of McCullough, was laid on the table indefinitely.

H. B. No. 27, "An Act to prohibit marriage and co-habitation of whites with Indians, Chinese and persons of African descent."

Read with committee's report and amendments for information.

On motion of Mimms, the amendments and bill as amended were adopted, and bill ordered engrossed.

H. B. No. 32, "An Act to amend an act entitled 'An Act defining the duties of Territorial Auditor and Treasurer.'"

Read with proposed amendments for information and, on motion of Mimms, the amendments, and bill as amended, were adopted, and bill ordered engrossed.

H. B. No. 25, "An Act to authorize I. M. Wood and John Stone to establish a ferry on the Missouri river."

Read with proposed amendments for information, and amendments and bill as amended adopted, and bill ordered engrossed.

H. B. No. 11, "An Act regulating the terms of the Probate Court of Deer Lodge county, and fixing the places of holding the same."

Read with amendments for information, and, on motion of Mimms, amendments and bill as amended adopted, and ordered engrossed.

H. B. No. 23, "An Act to amend an act entitled 'An Act to regulate proceedings in civil cases in the Courts of Justice of the Territory of Montana,'" approved 1865.

Read with proposed amendments for information.

On motion of McCullough, the amendments were adopted.

Maxwell proposed the following amendment: Strike out the last paragraph in section 31st.

Amendment adopted, and bill as amended adopted, and ordered engrossed.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment have examined H. B. No. 21, and find the same correctly engrossed.

A. J. SMITH, Chairman.

Daems, chairman of Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole, having had under consideration H. B. No. 16, beg leave to make the following report: That H. B. No. 16 be laid on the table.

L. DAEMS, Chairman.

On motion of Mimms, the report was adopted and bill laid on the table.

H. B. No. 21, "An Act to incorporate the Ohio ditch company." Read for information.

McCullough offered the following amendment, which was adopted:

Section 4. This act may be amended, modified or repealed by any subsequent session of the Legislative Assembly.

Corry offered the following amendment: Strike out the word "exclusive," in the 2d line of section 2.

Amendments and bill as amended adopted, and ordered engrossed.

A communication was received from the Council announcing the passage of H. B. No. 10, with the following amendments:

Strike out in the 3d line, the words "six weeks," in section 2d, and insert "two months" in lieu thereof.

After the words "Helena road," and before "provided," in section 2d, insert the words "and shall complete said ditch within eight months from the commencement authorized herein, or forfeit the franchise granted."

Amendments read and vote taken on concurrence with Council.

Ayes — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker — 12.

Nays — None.

Absent — LaFontaine — 1.

Amendments passed, and bill as amended ordered enrolled.

On motion of Mimms, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

John F. Rucker, Chief Clerk House of Representatives.

SIXTEENTH DAY.

House of Representatives, Virginia City, M. T., Friday, March 23d, 1866.

House called to order at the usual hour by Mr. Speaker.

Roll called. Present — Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker — 10.

Absent — Corry, LaFontaine and McElroy — 3.

Prayer by the Chaplain.

Journal of yesterday read and approved.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: Your committee on Incorporations beg leave to report that they have had H. B. No. 29 under consideration, and recommend its passage, after being amended as follows:

In section 2, strike out after the words "to preempt and purchase," and insert in lieu of the same the words "purchase or preempt according to the mining laws of the district or districts in which said claims are located."

In section 6, strike out all after the word "ground," and insert, "of all other parties owning mining ground in said district, shall not be interfered with in any way whatever."

Add, "This act may be amended, modified, or repealed, by any subsequent session of the Legislative Assembly of the Territory of Montana."

Strike out all of section 5, and change section 6 to section 5.

J. S. McCullough, Chairman.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee to whom was referred H. B. No. 32, beg leave to report that they have had the same under consideration, and respectfully recommend its passage, with the following amendments, to wit:

In section 1st, and 3d line, insert in blank "15th day of June;" in 3d line in 3d section, after the word "the," insert "first day of July in each year," and in the 4th line of the 3d section, after the word "the," insert, "last day of September."

In the 4th line of the 6th section, after the word "seize," insert the word immediately; and in the 6th line, [strike out] "any and all," and insert "a sufficient amount of personal," in lieu thereof; also, in the 6th line of the 6th section, after the word "belonging," insert the words "and not collect."

In the 9th line, and section 6, strike out the word "hours," and insert "days written." In the 3d line of the 8th section, after the word "of," insert the

word "full; and after the word "days," in the same line, insert "therefore;" insert "$6.00" in the 5th line of the 8th section.

In the blank in the 8th line, 9th section, insert the word "five," after the word "than."

R. B. PARROTT, Chairman.

Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment beg leave to report that they have carefully examined H. B. No. 1, "An Act to repeal an act entitled 'An Act to provide increased compensation to officers in the Territory,'" and find the same correctly enrolled.

G. H. HANNA, Chairman.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: Your committee on Incorporations beg leave to report that they have had H. B. No. 15 under consideration, and, after careful examination, would respectfully recommend that it become a law, after being amended as follows:

Add the following to section 2: "Provided that said company shall, at all times, allow sufficient water to flow down said creek as to supply the settlers upon said creek."

Amend section 7, line 3d, strike out the words "one dollar," and insert "seventy-five. Same section, line 5, "strike out the word "fifty," and insert "thirty-five." Strike out after the word "mines," line 7, the remaining part of said section, and insert in lieu thereof the following:

Section 8. That the said Merrill & Co. are hereby authorized to collect not to exceed the following rates, to wit: Each person over eighteen years using said water for household purposes, per month, twenty-five cents; restaurants, per month each, five dollars; hotels using said water, per month each, five dollars; boarding houses, per month each, five dollars; billiard saloons using said water, five dollars; each person engaged in the washing or laundry business, fifty cents; barbers per chair, per month, two dollars; bath-houses, each, five dollars; livery stables, with fifteen stalls or less, per month each, five dollars; corralls, without stalls, per month, five dollars; breweries, per month, ten dollars; bakery, per month, three dollars; soap and candle factory, per month, three dollars; meat market, per month, three dollars; photograph establishments, per month, one dollar.

Change section 8 to section 9.

Section 10. The County Commissioners of Edgerton county shall have power to reduce the rates mentioned in this act at any regular meeting after the 1st day of May, 1868, upon petition for that purpose.

Section 11. This act may be modified, or repealed, by the Legislative Assembly at any regular session thereof, after the passage of this act.

Section 12. This act shall take effect and be in force from and after its passage and approval.

J. S. MCCULLOUGH, Chairman.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment have examined H. B. Nos. 11, 25, 27, and 32, and find the same correctly engrossed.

A. J. SMITH, Chairman.

Report received.

Daems, chairman of select committee on C. B. No. 24, made a majority report from said committee, as follows:

Mr. Speaker: Your committee to whom was referred C. B. No. 24, "An Act to incorporate the Great Beaverhead wagon road company," have had the same under consideration, and find the following facts in relation thereto:

First. That the proposed road, when completed, will be of great public utility, and will be a much better and more practicable route for this Territory at large, than the present route known as the Parsons' road; and, when completed, will shorten the distance to Utah for the larger portion of the people of the Territory. Besides, the bill as it is, provides for reduced tolls, and, for that reason, will be of great public relief against the enormous and oppressive toll collected on the other road. And your committee are further

of the opinion that to encourage individual enterprise, to such an extent as to arouse competition with existing franchises, is the only sure and lawful way to relieve the public against the really enormous and oppressive charters now in existence in the Territory.

Your committee, therefore, report the bill back without amendments, and recommend its passage.

L. DAEMS
A. J. SMITH.

Mimms, chairman of same committee, made a minority report:

Mr. Speaker: One of your select committee, to whom was referred C. B. No. 24, "An Act to incorporate the Great Beaverhead wagon road company," has had the same under consideration, and find the following facts to exist:

First. The proposed road will be of much public utility, and, when completed, will shorten the route between this and Utah Territory; also, it will cheapen the rates of toll between said Territories.

It is the opinion of one of your committee, that the bill ought to pass with the following amendments, to wit:

Section 2, line 17, after the word "include," strike out the words "two miles," and insert "one half of a mile."

Add the following additional section:

Section 8. That the said Ryan and Sturgis shall put up at each toll-gate a bulletin board, on which shall be intelligibly written or printed the rates of toll prescribed by this act.

Section 9. That any subsequent Legislature shall have the power to modify, alter, amend, or repeal, this act.

All of which your committee respectfully submit.

R. W. MIMMS, Minority report.

Report received and laid on the table for further consideration.

Maxwell, chairman of committee on Fee bill, reported:

Mr. Speaker: Your committee, appointed in pursuance of a resolution passed by the House to act with a like committee from the Council, for the purpose of taking into consideration the fee bill, report the result of their action, and respectfully beg leave to report that the two committees have had the same under consideration, and have agreed upon the following fee bill.

A. S. MAXWELL, Chairman,
J. N. RICE,
R. B. PARROTT.

H. B. No. 23, "An Act granting fees of officers, jurors and witnesses."

Read 1st and 2d times, and, on motion of Mimms, fifty copies were ordered to be printed.

Parrott, chairman of select committee on C. B. No. 7, reported:

Mr. Speaker: Your select committee to whom was referred C. B. No. 7, a bill for "An Act entitled 'An Act to authorize a toll road,'" beg leave to report that they have had the said bill under consideration, and recommend the passage of the same, with the following amendments, to wit:

After the word "written," in the 10th line of the 2d section, strike out "one mile," and insert in lieu thereof "forty rods."

After the words "proved that," on the 11th line, section 2d, insert "the whole of;" and after the word "river," on the 12th line, 2d section, insert the words, "from Virginia city to Helena city."

Strike out all after the word "act," in the 3d line of the 4th section.

After the word "to," in the 2d line, 5th section, strike out the words "starting in Hot Spring district," and insert in lieu thereof, "Helena city, in Edgerton county."

After the word "thereon," in the 5th line of the 5th section, insert "between Virginia city and Sterling city, in Madison county."

After the word "city," in the 9th line, 5th section, insert the word "or," and in the same line, after the word "Sterling," strike out the words "or Helena."

After the word "yoke," in the 15th line, of section 6, insert the following: "Engaged in drawing wagons or other vehicles."

Strike out all after the word "cents," in the 15th line of the 6th section.

After the word "at," in the 1st line of the 7th section, strike out the word "each," and insert the word "the."

Strike out all after the word "right," in the 18th line of 7th section, and insert in lieu thereof the following, to wit: "Provided, that this act shall be subject to modification, amendment, or repeal, at any subsequent Legislature."

After the word "act," in the 15th line, insert the following, to wit: "Provided further, that the said parties shall not establish a toll-gate, or collect toll at any point or place, between Sterling city and Helena city."

Your committee find that the road between Sterling, or Hot Springs, and Helena city, is almost a good natural road, and that most of the work to be done on the whole road, is to be done between Virginia city and Sterling city. Your committee, therefore, believe the above recommendation to be just.

R. B. PARROTT, Chairman.

Report received and committee discharged.

McCullough, chairman of select committee on H. B. No. 12, reported:

Mr. Speaker: Your committee beg leave to report that they have carefully examined the same, together with the numerous amendments attached thereunto, and find that much time and labor can be saved to the members of this House, and as well as to the several clerks through whose hands it would necessarily have to pass; therefore, your committee would respectfully recommend that the said bill be indefinitely postponed, together with each and all of its several amendments, and that a new bill of smaller contents be introduced in lieu of the same.

J. S. MCCULLOUGH, Chairman.

Report adopted and committee discharged.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: We, the committee on Incorporations, to whom was referred H. B. No. 24, have had the same under consideration, and beg leave to report the same back to the House, and recommend its passage, after being amended as follows, to-wit:

In section 2d, line 12, after the word "have," strike out the word "exclusive," and insert the word "the;" also, in the 13th line, after the word "for," strike out the word "one;" and in section 4, strike out all after the word "establish," in line 3d, and insert the words "one toll-gate, which gate shall be erected at a point at least five miles distant from Sterling city, or one mile from Virginia city."

In section 5, line 2d, after the word "then," strike out the word "gates," and insert the word "gate."

Add section 8. "And be it further provided, that at any time after the completion of said road, the County Commissioners of Madison county, if deemed for the public good, after paying said company the cost and expense of constructing said road, may declare the same a county road for the public travel; and that, at any subsequent session of the Legislature of Montana Territory, this act may be repealed, modified or amended."

Add that section 8 of this act be changed to section 9.

In section 3d, line 4th, strike out the word "six," [6] and insert "four," [4], before the word "months."

J. S. MCCULLOUGH, Chairman.

Report received and committee discharged.

McCullough, chairman of select committee on H. B. No. 18, reported:

Mr. Speaker: Your committee of three, to whom was referred H. B. No. 18, beg leave to report that, after a careful examination of the same, we recommend its passage, after the following amendments are made, to wit:

In section 2d, line 13th, after the word "continue," strike out the words, "into any interference," and insert in lieu of the same, "so as to infer."

Section 3, line 3d, after the word "to," strike out the words, "preempt and purchase," and insert the words "purchase and preempt according to the mining laws of said district: Provided, that this act shall be submitted to a vote of the claimholders of said district, at a meeting to be held for that purpose,

after giving ten days' notice by three written notices, posted in three different public places in said district, by the recorder; and if a majority of the claim holders, of said district, shall vote for said act, it shall thenceforth be a law, and the right conferred by this act shall continue and be in force for the term of five years after its passage: And be it further provided, that this act may be amended, modified, or repealed, at any subsequent session of the Legislature of Montana Territory."

J. S. McCULLOUGH, Chairman.

Report received and committee discharged.

Mimms gave notice of the introduction of "An Act to invest religious societies with certain powers of bodies incorporate."

McCullough, pursuant to notice, introduced H. B. No. 34, "An Act to amend an act entitled 'An Act to establish a common school system for the Territory of Montana,'" approved February 7, 1865.

Read 1st and 2d times, and, on motion of McCullough, the rules were suspended, bill read 3d time and put to its final passage.

Ayes—Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Smith, Weed and Mr. Speaker—9.

Nays—None.

Absent—Corry, Daems, LaFontaine and Rice—4.

Bill passed and title agreed to.

Parrott, pursuant to notice, introduced H. B. No. 35, "An Act for the maintaining and defining possessory rights upon the public domain in Montana Territory."

Read 1st and 2d times, and, on motion of Mimms, one hundred copies were ordered to be printed.

On motion of Mimms, C. B. No 24 was referred to the Committee of the Whole to-morrow at 2 o'clock p. m.

Mr. Speaker called Smith to the Chair.

A communication was received from the Council announcing the passage of joint-resolution No. 3, and also of H. B. No. 6, with the following amendments, to wit:

Strike out the word "Vivion," wherever it occurs, and insert the word "Missouri."

Section 1st, strike out all of section 1st after the word ridge, in the 13th line, and insert in lieu thereof, "to the east line of Gallatin and Meagher counties; thence north along said line to the northern boundary of Meagher county; thence north along the 109th parallel of latitude to the place of beginning."

On motion of Mayhew, the House refused to concur with the Council in the proposed amendments.

Joint-memorial No. 3, read 1st and 2d times, and, on motion, was referred to select committee.

Mr. Speaker appointed Parrott, Mimms and McCullough as such select committee.

On motion of Mayhew, House adjourned to 2 o'clock p. M.

AFTERNOON SESSION.

House met at 2 o'clock with Speaker in the Chair.

Roll called. Present—Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Smith and Mr. Speaker—8.

Absent—Corry, Daems, LaFontaine, Rice and Weed—5.

H. B. No. 11, "An Act regulating the terms of Probate court of Deer Lodge county, and fixing the place of holding the same."

Read 3d time and put to its final passage.

Ayes—Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Smith and Mr. Speaker—8.

Nays—None.

Absent—Corry, Daems, LaFontaine, Rice and Weed—5.

Bill passed and title agreed to.

H. B. No. 21, "An Act to incorporate the Ohio ditch company." Read 3d time and put to its final passage.

Ayes — Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith and Mr. Speaker — 8.

Nays — Daems and Hanna — 2.

Absent — Corry, LaFontaine and Weed — 3.

Bill passed and title agreed to.

H. B. No. 25, "An Act to authorize I. M. Wood and Jno. Stone to establish a ferry on the Missouri river." Read 3d time and put to its final passage.

Ayes — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker — 12.

Nays — None.

Absent — LaFontaine — 1.

Bill passed and title agreed to.

H. B. No. 27, "An Act to prohibit marriages and co-habitation of whites with Chinese and persons of African descent." Read 3d time and put to its final passage.

Ayes — Corry, Daems, Hanna, McCullough, McElroy, Mimms and Parrott — 7.

Nays — Maxwell, Rice, Smith, Weed and Mr. Speaker — 5.

Absent — LaFontaine — 1.

Bill passed and title agreed to.

H. B. No. 32, "An Act to amend an act entitled 'An Act defining the duties of Territorial Auditor and Treasurer.'" Read 3d time and put to its final passage.

Ayes — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker — 12.

Nays — None.

Absent — LaFontaine — 1.

Bill passed and title agreed to.

H. B. No. 18, "A bill to incorporate the Highland district gulch mining company." Read with committee's amendments for information.

On motion of McCullough, the amendments, and bill as amended, were adopted and bill ordered engrossed.

H. B. No. 29, "An Act to incorporate the Montana flume and mining company." Read with committee's amendments for information.

On motion, the bill and amendments were laid on the table indefinitely.

H. B. No. 15, "An Act to incorporate the Ten Mile and Last Chance consolidated water ditch company." Read with committee's amendments for information.

On motion of Mimms, the bill and amendments adopted, and ordered engrossed.

H. B. No. 22, "An Act creating the office of Assessor, and defining their duties." Read for information with proposed amendments.

On motion of McCullough, the bill and amendments, as amended, adopted, and bill ordered engrossed.

On motion of Mimms, fifty copies of the bill were ordered to be printed.

C. B. No. 7, "An Act to authorize Rockfellow and others to establish a toll-road." Read with committee's amendments for information.

On motion of Maxwell, the amendments, and bill as amended, adopted, and bill ordered engrossed.

H. B. No. 24, "An Act to authorize H. Jameson, and others, to build a toll-road." Read with committee's amendments for information.

On motion of Maxwell, the amendments, and bill as amended, were adopted and bill ordered engrossed.

McCullough, chairman of select committee on H. B. No. 7, reported:

Mr. Speaker: Your select committee, to whom was referred H. B. No. 7, for "An Act authorizing Paul B. Anthony, J. H. Shober, and E. S. Rowland, to establish a toll-road from Helena city to Ophir city," respectfully beg leave to report that they have had the same under consideration, and find that the proposed road will make the distance between Helena city and Ophir city, between eight and ten miles less than by the present wagon road; and

that about eight miles of the proposed road will require a large amount of labor and money to make a good wagon road.

Your committee, therefore, recommend that the bill pass with the following amendments:

Line 5th, Section 2d, strike out the word "animal," and insert the following: "span of horses, mules or yoke of oxen."

Line 9th, same section, strike out the word "one," and insert "man and," and after the word "horse," in the same line, insert "one mule."

Section 4, line 7th, after the word "for," strike out the following words: "a quarter of a mile," and insert "four rods."

Section 5, line 8th, strike out the figure "9," and insert the figure "8."

Section 6. This act may be altered, modified, or repealed, by the Legislative Assembly at any regular session thereof after the passage of this act.

Section 6 be changed to section 7.

J. S. McCULLOUGH, Chairman.

Report adopted and committee discharged.

On motion of Maxwell, the bill was adopted as amended, and ordered engrossed.

On motion of Daems, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Clerk House of Representatives.

SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T., }
Saturday, March 24th, 1866. }

House met at the usual hour, with Speaker in the Chair.

Roll called. Present—Daems, Hanna, Maxwell, McCullough, Mimms, McElroy, Parrott, Rice, Weed, and Mr. Speaker—10.

Absent—Corry, LaFontaine and Smith—3.

Yesterday's journal read and approved.

Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment beg leave to report that they have carefully examined H. B. No. 10, "An Act to incorporate the Jefferson river water ditch company," and find that it has been correctly enrolled.

GEO. H. HANNA, Chairman.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment have examined H. B. Nos. 23 and 24, and find the same correctly engrossed.

A. J. SMITH, Chairman.

Smith, chairman of select committee appointed to wait on his Excellency, the Acting-Governor, and inquire of him how many newspapers each member of the House is entitled to, begs leave to report:

That his Excellency, the Acting-Governor, authorizes me to say that each member of this honorable body is entitled to two daily papers; and, in lieu thereof, will furnish each member with fourteen copies of the "Montana "Democrat" weekly.

A. J. SMITH, Chairman.

The select committee on joint-resolution No. 3, and a bill for appropriations for suppressing Indian difficulties, were given until Monday to report.

Weed gave notice that on Monday next, or some subsequent day, he would introduce a bill entitled, "An Act to incorporate the Madison irrigating company."

McCullough, pursuant to notice, introduced H. B. No. 36, "An act to amend an act entitled 'An Act regulating quartz mining.'" Read 1st and 2d times, and, on motion of Smith, was referred to select committee.

Mr. Speaker appointed as such committee, Smith, Parrott and McElroy.

Mimms, pursuant to notice, introduced H. B. No. 37, "An Act to invest religious societies with certain powers of bodies incorporate."

Read 1st and 2d times, and, on motion of Mimms, the rules were suspended, bill read 3d time and put to its final passage.

Ayes—Corry, Hanna, Maxwell, McElroy, Mimms and Smith—6.
Nays—Daems, McCullough, Parrott, Rice, Weed and Mr. Speaker—6.
Absent—LaFontaine—1.
Bill lost.

A communication from the Council was read announcing the passage of C. B. Nos. 49 and 43, and joint-resolution No. 4; and that the Council refuse to recede from the amendments to H. B. No. 6, creating the county of Vivion.

Joint-resolution No. 4 read 1st and 2d times, and referred, on motion, to select committee of three.

The Chair appointed McCullough, Rice and Smith as such committee.

C. B. No. 49, "An Act to amend an act entitled 'An Act defining the boundary lines of counties in Montana Territory,'" passed at the first Legislative Assembly, and defining the lines of Madison county, in Montana Territory.

Read 1st and 2d times, and referred to select committee composed of members of Madison county.

Mr. Speaker appointed as such committee, McCullough, Rice and McElroy.

C. B. No. 43, "An Act to incorporate the Montana mutual fire insurance company." Read 1st and 2d times, and referred to committee on Incorporations.

Mr. Speaker called Smith to the Chair.

H. B. No. 23, "An Act to amend an act entitled 'An Act to regulate proceedings in civil cases in the Courts of Justice of the Territory of Montana,'" approved 1865. Read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—12.

Nays—None.

Absent—LaFontaine—1.

Bill passed and title agreed to.

H. B. No. 24, "An Act to authorize H. Jameson & Co. to construct and maintain a toll-road." Read for information, and, on motion of Parrott, was referred to a select committee of five.

The Chair appointed Parrot, Hanna, Maxwell, Corry and Weed.

On motion of Parrott, McCullough and Rice were added to said committee.

A message was received from the Governor announcing that he had approved C. B. No. 17, "An Act dividing the county of Gallatin."

On motion of Weed, House adjourned to Monday at 10 o'clock a. m.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES, VIRINIA CITY, M. T.,
Monday, March 26th, 1866.

House met pursuant to adjournment, with Mr. Speaker in the Chair.

Roll called. Present—Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Weed and Mr. Speaker—10.

Absent—Corry, LaFontaine and Smith—3.

Weed, chairman of committee on Printing, reported:

Mr. Speaker: Your committee on printing beg leave to report that they have carefully examined H. B. No. 35, and find the same correctly printed.

WEED, Chairman.

McCullough, chairman of select committee on joint-resolution No. 4, reported:

Mr. Speaker: Your select committee, to whom was referred joint-resolution No. 4, beg leave to report that they have examined the same, and respectfully recommend the passage of the same, after being amended as follows:

After the word "clerk," in the 10th line, add the names, "assistant clerk, engrossing and enrolling clerk, and sergeant-at-arms, shall be entitled to, and furnished with, one copy each of all the acts, and one copy each of all the journals of both Houses of the Legislative Assembly."

J. S. MCCULLOUGH, Chairman.

On motion of Smith, the report was adopted and committee discharged.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment have examined H. B. Nos. 7, 15, 18, and 22, and find the same correctly engrossed.

A. J. SMITH, Chairman.

McCullough, chairman of select committee on C. B. No. 49, reported:

Mr. Speaker: Your select committee, to whom was referred C. B. No. 49, beg leave to report that they have had the same under consideration, and find that the lines of Madison county, as defined in said bill, are equitable and just, and as easily understood as any boundaries would be likely to be where natural landmarks are scarce, there being few, if any, noted points in said described boundary. Therefore, your committee offer no amendments, and respectfully recommend the passage of said bill.

J. S. MCCULLOUGH, Chairman.

On motion of Smith, the report was received and committee discharged.

A communication was received from the Governor announcing his approval of C. B. No. 10, requiring clerks of district courts to give bonds; and C. B. No. 18, authorizing I. S. Mead, E. H. Irvine and E. C. Mason to construct and maintain a toll-road.

Mimms offered joint-resolution No. 6, asking Congress to amend the Organic Act.

Read 1st and 2d times, and, on motion of Parrott, was referred to a select committee.

Mr. Speaker appointed as such committee, Parrott, Mimms and McElroy.

C. B. No 49, "An Act to amend an act entitled 'An Act defining the boundary lines of counties in Montana Territory, passed at the first Legislative Assembly, and defining the lines of Madison county, in Montana Territory.'"

Read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice and Mr. Speaker—10.

Nays—Smith and Weed—2.

Absent—LaFontaine—1.

Bill passed and title agreed to.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment have examined C. B. No. 7, and find the same correctly engrossed.

A. J. SMITH, Chairman.

H. B. No. 7, "An Act authorizing Paul B. Anthony, J. H. Shober and E. S. Rowland to establish a toll-road from Helena to Ophir city." Read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, Mimms, Parrott, Smith, Weed and Mr. Speaker—9.

Nays—McCullough and Rice—2.

Absent—LaFontaine and McElroy—2.

Bill passed and title agreed to.

H. B. No. 16, "An Act to incorporate the Ten Mile and Last Chance consolidated water ditch company." Read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, McCullough, McElroy, Mimms, Rice, Smith and Weed—9.

Nays—Parrott and Mr. Speaker—2.

Absent—LaFontaine—1.

Excused—Maxwell—1.

Bill passed and title agreed to.

H. B. No. 18, "An Act to incorporate the Highland district gulch mining company." Read 2d time for information, and, on motion of Daems to lay it on the table indefinitely, the ayes and nays were called for.

Ayes—Daems, McElroy, Parrott, Rice and Weed—5.

Nays—Corry, Hanna, Maxwell, McCullough, Mimms, Smith and Mr. Speaker—7.

Absent—LaFontaine—1.

Motion lost.

Bill read 3d time and put to its final passage.

Ayes — Corry, Hanna, Maxwell, Mimms and Smith — 5.

Nays — Daems, McCullough, McElroy, Parrott, Rice, Weed and Speaker — 7.

Absent — LaFontaine — 1.

Bill lost.

H. B. No. 35, called up by Parrott and referred to committee on Public Lands.

A message was received from the Governor announcing that he had signed H. B. No. 1, "An Act to repeal an act entitled 'An Act to provide increased compensation to officers in this territory.'"

C. B. No. 7, authorizing Rockfellow, and others, to build a toll-road, was called up, and referred to select committee on H. B. No. 24.

On motion of McCullough, the House went into Committee of the Whole on C. B. No. 24.

House resumed.

On motion of McCullough, the Clerk was instructed to obtain from the Council H. B. No. 23, the enabling clause being omitted therein.

Bill obtained, and referred to committee on Judiciary.

Weed, chairman of committee on Printing, reported:

Mr. Speaker: Your committee on Printing, beg leave to report that they have carefully examined H. B. No. 33, and find the same correctly printed, with the following exceptions: Page 4th, fees of Justice of the Peace, line 4th, should read "30 c," instead of "50 c." Page 5th, line 23, should read "30 c," instead of "50 c."

WEED, Chairman.

Mimms, chairman of Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole, having had under consideration C. B. No 24, beg leave to make the following report. Your committee respectfully refer said bill back to the House and recommend its passage.

R. W. MIMMS,
Chairman of Committee of the Whole.

On motion of McCullough, the report and the bill were received.

On motion of Parrott, the rules were suspended, bill read 3d time by its title, and put to its final passage.

Ayes — Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker — 11.

Nays — Corry — 1.

Absent — LaFontaine — 1.

Bill passed and title agreed to.

Mimms called up H. B. No. 23, which was referred to committee on Ways and Means.

Joint-resolution No. 4, read with committee's amendments.

On motion of Maxwell, the amendments, and resolution as amended, were adopted and ordered engrossed.

Joint-resolution No. 5, read 1st and 2d times.

On motion of Mimms, the rules were suspended, resolution read 3d time, and put to its final passage.

Ayes — Corry, Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice and Mr. Speaker — 9.

Nays — None.

Absent — LaFontaine, McElroy, Smith and Weed — 4.

Resolution passed.

In compliance with said resolution, Mr. Speaker appointed as joint-committee, Maxwell and Parrott.

Joint-resolution No. 6, read 1st and 2d times, and, on motion, the rules were suspended, resolution read 3d time, and put to its final passage.

Ayes — Daems, McCullough and Rice — 3.

Nays — Corry, Hanna, Maxwell, Mimms, Parrott, Smith and Mr. Speaker — 7.

Absent — LaFontaine, McElroy and Weed — 3.

Resolution Lost.

Joint-resolution No. 7, read 1st and 2d times and referred to committee on Judiciary.

Maxwell asked leave to introduce a bill; no objection being made, he introduced H. B. No. 38, "An Act to incorporate the Elwood and Diamond city wagon road company." Read 1st and 2d times, and laid on the table.

McCullough gave notice that on Wednesday, the 28th inst., he would introduce a joint-resolution indorsing President Johnson's veto of the Freedman's Bureau bill, and his restoration policy.

Mimms asked leave to make a report, and, no objection being made, Mimms, chairman of committee on Elections, reported:

Mr. Speaker: Your committee on Elections beg leave to report that they have carefully examined the election law now in force, and find the same in all of its parts amply sufficient (not judges or clerks) for attempting to practice frauds by trumping up false returns. Your committee are of the opinion that there ought to be an amendment to such law, to the effect that, any person attempting to practice frauds, by making false election returns, should be severely punished. Believing that the liberties of this people, as well as the liberties of the American people generally, depend upon the purity of the ballot; that an effort by any person to defeat the object of this instrument, ballott, the greatest boon of Americans, should meet with the just condemnation of all citizens; and that such persons should be seriously punished.

Therefore, your committee report the following amendatory bill to the favorable consideration of this House. All of which is respectfully submitted.

R. W. MIMMS, Chairman,
L. DAEMS.

Report received.

H. B. No. 39, "An Act amendatory of an act regulating the holding of elections in the Territory of Montana," approved January 17th, 1866. Read 1st and 2d times, and referred to committee on Elections.

C. B. No. 41, "An Act prescribing the mode and manner of arresting individuals in civil cases." Read 1st and 2d times, and referred to committee on Judiciary.

On motion of McCullough, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

NINETEENTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Tuesday, March 27th, 1866.

House called to order at the usual hour by Mr. Speaker.

Roll called. Present—Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—10.

Absent—Corry, LaFontaine and McElroy—3.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Petitition and resolution of the Helena bar asking additional compensation to Judge Munson, was read, and, on motion of Parrott, laid on the table for the present.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: Your committee on Incorporations have had C. B. No. 43 under consideration, and beg leave to report that they have carefully examined said bill, and feel assured in saying that no evils to the citizens of the Territory can accrue to them by the passage of said bill. Therefore, we respectfully recommend its passage without amendments.

J. S. MCCULLOUGH, Chairman.

Mimms, chairman of committee on Elections, reported:

Mr. Speaker: Your committee on Elections, to whom was referred H. B. No. 39, "An Act amendatory of 'An Act regulating the holding of elections in the Territory of Montana,'" approved January 7th, 1865, have had the same under consideration, and find that there is not any adequate provisions in the

election law to meet such cases, as is provided for in said H. B. No. 39. That attempts have been made in this Territory to practice frauds of an alarming nature, as shown by the returns sent into this House by the Governor; hence, the necessity of this bill, which your committee have the honor of reporting.

Therefore, your committee beg leave to report the same back without amendments. All of which is respectfully submitted.

R. W. MIMMS, Chairman,
L. DAEMS.

Report received.

Smith, chairman of select committee on H. B. No. 36, reported:

Mr. Speaker: Your committe, to whom was referred H. B. No. 36, "An Act entitled 'An Act to amend the present quartz law,'" are of the opinion that there is but one amendment necessary to said bill. That, inasmuch as doubts have arisen as to the construction of a part of section 5 of the quartz mining law of this Territory, relating to the re-staking of claims once in twelve months; that the same be so amended that after claims shall have been staked in compliance with the law, no forfeiture shall result from the subsequent non-staking, as mentioned in said act, or in case the said stakes be removed either by design or accident. Your committee would recommend that the old law be so amended by striking out in section 5 all after the word "claims."

A. J. SMITH, Chairman,
R. B. PARROTT.

On motion of Mimms, the report was received and committee discharged.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred Council joint-resolution No. 7, beg leave to report that they have had the same under consideration, and recommend its passage.

R. B. PARROTT, Chairman.

Report received.

Parrott, chairman of select committee on House joint-resolution No. 6, reported:

Mr. Speaker: Your select committee, to whom was referred House memorial No. 6, beg leave to report that they have had the same under consideration, and find that the salaries paid by the United States Government to the public officers of this Territory, are not commensurate with the labor performed by them, or the cost of living in the Territory. Your committee would respectfully recommend that the resolution pass, with the following amendments, to wit:

Strike out the words "and to extend the jurisdiction of Justice's courts," in the 7th line of the preamble. Also, strike out all between the words "here," in the 24th line and 33d line of the preamble. Strike out all of the 2d section.

R. B. PARROTT, Chairman.

Report received and committee discharged.

Maxwell asked leave to introduce a bill, and, no objection being made, he intrduced H. B. No. 40, "An Act supplementary to an act defining the duties of County Treasurer, and the payment of county warrants."

Read 1st and 2d times and referred to committee on Judiciary.

Weed, pursuant to notice, introduced H. B. No. 41, "An Act to incorporate the Madison irrigation water ditch company." Read 1st and 2d times, and laid on the table.

With leave of the House, McCullough introduced H. B. No 42, "An Act to repeal an act entitled 'An Act in relation to trout fishing.'" Read 1st and 2d times, and referred to committee on Judiciary.

Mr. Speaker called Mimms to the Chair.

A communication was received from the Council announcing the passage of C. B. No. 41, joint-resolutions Nos. 5 and 6, and C. B. No. 9, with the following amendments: In section 8, and 2d line, strike out the words "of Edgerton," and insert, "in which said ferry or bridge is located;" and the passage of C. B. Nos. 33 and 35, and H. B. No. 28, and H. B. 11, with the amendment: Section 1st, line 9th, after the word "all," and before the word "cases,"

insert the word "civil;" and that H. B. Nos. 4, 14 and 27, were indefinitely postponed.

Weed, chairman of committee on Printing, begs leave to report that they have carefully examined H. B. No. 22, and find the same correctly printed.

WEED, Chairman.

C. B. No 35, "An Act to incorporate the Sun river bridge company." Read 1st and 2d times and laid on the table.

C. B. No. 33, "An Act to incorporate the Gold Hill mining and tunnelling company."

On motion of Mayhew, the bill was considered as read, and laid on the table.

Joint-resolution No. 7 read and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, and Mr. Speaker—11.

Nays—None.

Absent—LaFontaine and Weed—2.

Resolution passed.

C. B. No. 43, "An Act to incorporate the Montana mutual fire insurance company." Read for information.

On motion of Smith the following amendments were adopted:

Strike out "J," and insert "F," in the name of "A. J. Graton," and add the name of "A. F. Dunlap," to the list of incorporators.

Bill read 3d time and put to final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—12.

Nays—None.

Absent—LaFontaine—1.

Bill passed and title agreed to.

Joint-memorial read 3d time. On motion of Weed to lay it on the table, the ayes and nays were called for.

Ayes—Corry, Daems, Maxwell, McCullough, McElroy, Mimms, Smith and Weed—8.

Nays—Hanna, Parrott, Rice and Mr. Speaker—4.

Absent—LaFontaine—1.

Motion carried, and memorial laid on the table.

Mayhew moved to take up joint-memorial No. 3.

Smith moved to lay the motion on the table. Ayes and nays called for.

Ayes—Corry, Daems, Maxwell, McCullough, McElroy, Mimms, Smith, and Weed—8.

Nays—Hanna, Parrott, Rice and Mr. Speaker—4.

Absent—LaFontaine—1.

Motion prevailed.

H. B. No. 39, "An Act amendatory of 'An Act regulating the holding of elections in the Territory of Montana,'" approved January 17, 1865.

Read 3d time, and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—12.

Nays—None.

Absent—LaFontaine—1.

Bill passed, and title agreed to.

On motion of Mr. McCullough, the House adjourned to 2 o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment, Speaker in the Chair.

Roll called. Present—Corry, Hanna, Maxwell, McCullough, Mimms, Rice, Smith, and Mr. Speaker—8.

Absent—Daems, LaFontaine, McElroy, Parrott, and Weed—5.

The Speaker called Mr. Mimms to the Chair.

Parrott called up the resolution of the Helena bar.

Resolution read for information, and Mr. Parrott offered the following:

WHEREAS, At the last session of the Legislative Assembly of the Territory of Montana, a law was passed at the earnest solicitation of members of the bar,

increasing the salaries of Judges, and other Federal officers; and WHEREAS, Complaints have been continually made by members of the bar, and others, about the enormous expenses of the Territory, caused by such an increase of salaries; and WHEREAS, In obedience to the dictations of our own consciences, and what we believe to be the will of the people of the Territory, we have at the present session repealed said law; and

WHEREAS, We believe that Legislation, based upon resolutions of attorneys, who form so small a part of the tax-paying people of the Territory, would be unwise and dangerous, especially where there is a possibility of their being influenced by a desire to out-do each other in an attempt to court the favor of the Judge or Judges before whom they may be called to practice; Therefore be it

Resolved by the House of Representatives, That the further consideration of the said resolution be indefinitely postponed by the House.

Mr. Mayhew moved the adoption of the resolution. Ayes and nays called for.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—12.

Nays—None.

Absent—LaFontaine—1.

Resolution adopted.

H. B. No. 22, "An Act creating the office of Assessor, and defining their duties," read for information.

On motion of Mr. Mayhew, an enacting clause was inserted, and the bill considered engrossed.

On motion of Mayhew the rules were suspended, bill read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—12.

Nays—None.

Absent—LaFontaine—1.

Bill passed, and title agreed to.

H. B. No. 36, "An Act to amend the quartz mining law," read with committee's amendments, for information.

Smith offered the following amendment, which was adopted: Strike out sec. 2; change sec. 3 to 2, and 4 to 3.

Amendment, and bill as amended, adopted and ordered engrossed.

The Council amendments to House amendments to C. B. No. 9 were read, and on motion of Maxwell the House concurred in the amendments.

House resolution No. 6, read with committee's report.

On motion of Daems to adopt the report and amendments offered by the committee, the ayes and nays were called for.

Ayes—Maxwell and Parrott—2.

Nays—Corry, Daems, Hanna, McElroy, McCullough, Mimms, Rice, Smith, and Mr. Speaker—9.

Absent—LaFontaine and Weed—2.

Amendments lost.

On motion of Mayhew the rules were suspended, resolution read 3d time, and put to final passage.

Ayes—Corry, Daems, Hanna, McCullough, McElroy, Mimms, Rice, Smith, Weed, and Mr. Speaker—10.

Nays—Maxwell and Parrott—2.

Absent—LaFontaine—1.

Resolution passed.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment have examined H. B. No. 36, and find the same correctly engrossed.

A. J. SMITH, Chairman.

H. B. No. 36, "An Act amendatory of the quart mining law," read 3d time, and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—12.
Nays—None.
Absent—LaFontaine—1.
Bill passed, and title agreed to.
On motion of Daems the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.
JOHN F. RUCKER, Chief Clerk House of Representatives.

TWENTIETH DAY.

HOUSE OF REPRESENTATIVES, VIRINIA CITY, M. T.,
Wednesday, March 28th, 1866.

House met pursuant to adjournment, with Mr. Speaker in the Chair.
Roll called. Present—Corry, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, and Mr. Speaker—9.
Absent—Daems, LaFontaine, McElroy, and Weed—4.
Prayer by the Chaplain.
Journal of yesterday read and approved.
Parrott, chairman of committee on Judiciary, reported.

Mr. Speaker: Your committee on Judiciary, to whom was referred C. B. No. 41, a bill for "An Act prescribing the mode and manner of arresting individuals in civil cases," beg leave to report that they have had the same under consideration, and are of the opinion that the bill should not pass in its present form.

Your committee would therefore refer the same back to the House, with the recommendation that it be considered in the Committee of the Whole House on this afternoon at two o'clock.

R. B. PARROTT, Chairman.

On motion of Maxwell, the report was adopted.
Parrott, chairman of the committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred H. B. No. 40, a bill for "An Act entitled 'An Act supplementary to An Act defining the duties of County Treasurer and the payment of county warrants,'" etc., beg leave to report that they have had the said matter under consideration, and respectfully recommend its passage, with the following amendments, to wit: Strike out the word "twenty" in the 4th line of the 4th sec., and insert the word "ten" in lieu thereof.

R. B. PARROTT, Chairman.

Report received.
Parrott, chairman of the committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred H. B. No. 23, a bill for an act entitled "An Act to regulate proceedings in civil cases," etc., beg leave to report the same back to the House, and respectfully ask that the following clerical omissions or mistakes, be corrected in said bill, to-wit: Instead of the word "approved," in the 4th line of the letter, insert the words, "passed January 23d;" and after the figures "1865," insert the following, to wit: "Be it enacted by the Legislative Assembly of the Territory of Montana as follows."

R. B. PARROTT, Chairman.

Mr. Parrott also reported from the Judiciary committee as follows:

Mr. Speaker: Your committee on Judiciary, to whom was referred H. B. No. 42, a bill for "An Act to repeal 'An Act in regard to trout fishing,'" approved, etc., beg leave to report that they have had the same under consideration, and recommend its passage.

R. B. PARROTT, Chairman.

Report received.
McCullough asked leave to introduce a bill, and no objection being made, introduced H. B. No. 43, "An Act authorizing W. P. Baker to establish a ferry on the Missouri river in Gallatin county."

Read 1st and 2d times, and laid on the table.

Parrott introduced joint-resolution No. 8.

Read 1st and 2d times, and on motion of Mimms, rules suspended, resolution read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McElroy, McCullough, Mimms, Parrott, Rice, and Mr. Speaker—10.

Nays—None.

Absent—LaFontaine, Smith and Weed—3.

Resolution passed.

In compliance wiih said resolution, the Speaker appointed Parrott, Corry and Hanna as such committee.

McCullough introduced joint-resolution No. 9.

Read 1st and 2d times, and referred, on motion, to a select committee.

Mr. Speaker appointed as such committee McCullough, Parrott and McElroy, and on motion of McCullough, Maxwell, and on motion of Mr. Parrott, the Speaker, were added to said committee.

A communication was received from the Council, announcing the passage of C. B. No. 13, defining the jurisdiction of the Probate Court.

Mr. Speaker called Hanna to the Chair.

C. B. No. 13, "An Act defining the jurisdiction of the Probate Courts in Montana Territory."

Read 1st and 2d times, and referred to committee on Judiciary.

H. B. No. 42, "An Act to repeal 'An Act concerning trout fishing,'" read for information, and

On motion of Maxwell, referred to select committee.

The Chair appointed as such committee McCullouga, Parrott and Daems.

On motion of Parrott, Maxwell was added to said committee.

H. B. No. 40, "An Act supplementary to 'An Act defining the duties of County Treasurers, and the payment of county warrants,'" read with committee's amendments for information.

On motion of Maxwell, the amendments, and bill as amended, were adopted, and the bill ordered to be engrossed.

Council amendments to House amendments to C. B. No. 9, were read, and on motion of Maxwell the House concurred in Council's amendments.

Mr. Speaker took the Chair.

McCullough made a motion that a committee of three be appointed on part of the House, and the Council be requested to appoint a committee to confer with the committee from the House on H. B. No. 6. Motion carried.

Mr. Speaker appointed on part of the House McCullough, Parrott and Mimms.

McCullough, with permission, introduced joint-resolution No. 10. Read 1st and 2d times, and, on motion of Mimms, rules were suspended, resolution read 3d time, and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, and Mr. Speaker—11.

Nays—None.

Absent—LaFontaine and Weed—2.

Resolution passed.

Corry moved to adjourn, but withdrew his motion.

The amendments to H. B. No. 23 were read for information.

On motion of Maxwell the amendments, and bill as amended, were adopted, amendments inserted, and bill considered engrossed.

Maxwell called up C. B. No. 52, "An Act to provide for the increase of the members of the Legislative Assembly of the Territory of Montana." Bill read 1st and 2d times, and, on motion of Maxwell, rules were suspended, bill read 3d time and put to its final passage.

Ayes—Corry, Hanna, Maxwell, Mimms, Parrott, Rice, Smith, and Weed—8.

Nays—McCullough and Mr. Speaker—2.

Absent—Daems, LaFontaine, and McElroy—3.

Bill passed and title agreed to.

Smith gave notice that on to-morrow he would introduce a joint-resolution

Indorsing his Excellency, the Acting Governor of the Territory, for the manly and honorable course taken by him in behalf of the people of the Territory.

On motion of Weed, the House adjourned to 2 p. m.

AFTERNOON SESSION.

The Speaker called the House together at the adjourned hour.

Roll called. Present—Corry, Maxwell, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker--8.

Absent—Daems, Hanna, LaFontaine, McCullough, and McElroy—5.

House went into Committee of the Whole on C. B. No. 41.

House resumed.

The following communication was received from the Governor, and ordered to be spread upon the Journals.

EXECUTIVE OFFICE, T. OF M.,
VIRGINIA CITY, March 28th, 1866.

To the Honorable, the Speaker of the House of Representatives:

SIR: I have the honor to inform your honorable House that I have seen fit to relieve Major J. P. Bruce, editor and proprietor of the Montana "Democrat," from his duties as Public Printer of the Territory from this date, in consequence of the accompanying communication, which I received from him this morning. And I have the honor to be,

Very truly your ob'dt serv't,
THOS. FRANCIS MEAGHER,
Acting Governor.

VIRGINIA CITY, M. T.,
March 28th, 1866.

GOVERNOR THOS. FRANCIS MEAGHER—DEAR SIR: I hereby resign the office of Public Printer, to take effect on the adjournment of the Legislature, as I do not desire to embarrass either the House or Council for so short a time, or cause you to be inconvenienced by having to make other arrangements.

You were kind enough to tender me, and I accepted, the publication of the laws of Congress.

This you can control also, and I will return the appointment so soon as I can find it.

I am, sir, respectfully yours,
[Signed:] J. P. BRUCE.

A true copy:
THOS. FRANCIS MEAGHER,
Acting Governor.

McCullough moved that a committee of two be appointed to wait on the Governor, and ascertain who would do the printing for the House hereafter, which motion prevailed, and the Speaker appointed McCullough and Daems as such committee.

House went into Committee of the Whole.

House resumed.

Mimms, chairman of Committee of the Whole, asked until to-morrow morning to make his report, which was granted.

On motion of Maxwell, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

TWENTY-FIRST DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Thursday, March 29th, 1866.

House called to order at the usual hour by Mr. Speaker.

Roll called. Present—Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—10.

Absent—Corry, LaFontaine, and McElroy—3.

Journal of yesterday read and approved.

Hanna, of committee on Enrollment, reported H. B. No. 11 correctly enrolled.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment have examined joint-resolution No. 4, and find the same correctly engrossed.

A. J. SMITH, Chairman.

Parrott, chairman of committee on Finance, reported:

Mr. Speaker: Your committee on Finance would respectfully beg leave to report that in examining into the financial condition of the Territory, they find that in order to make a just and complete settlement with the former officers controlling that department, and to exhibit the true financial condition of the Territory, without doing injustice to any, they must have access to the books and vouchers of the Assessors and Treasurers of the several counties; for without this, it is impossible to tell the amount of money that has been collected in the way of taxes, licenses, etc., from the people of the different counties, and hence cannot tell the amount that should have been paid over to the Territorial Treasurer, or what amount was received by that officer, except as the same appears on his books. It would be impossible for your committee to obtain the necessary facts from the different counties on which to base a report during the present session. Your committee beg leave to call the attention of the House to a former report of this committee, on the Governor's message, in regard to appropriations, etc., and ask that a suitable person or persons be appointed to take the proofs and ascertain the amounts collected by the several County Treasurers and paid over to the Territorial Treasurer; also the amount due individuals on account of Indian expenditure, and referred to in the Governor's message; also to ascertain as near as may be, the amount of money or gold dust unlawfully collected by certain United States officers from the owners of placer mining claims in the Territory, and report the facts to the next session of the Legislative Assembly, so that the proper settlements can be made with the Territorial officers, and an account of said Indian expenditures and the amounts due the miners as aforesaid, can be audited and claimed from the General Government.

R. B. PARROTT, Chairman.

Report received.

McCullough, chairman of the committee on Public Lands, reported:

Mr. Speaker: Your committee on Public Lands beg leave to report that they have carefully examined H. B. No. 35, and recommend its passage, after being amended as follows:

In sec. 2, line 7, after the word "than," strike out the word "six" and insert the word "three."

In sec. 3, line 2, after the word "written," strike out the word "three" and in lieu of the same insert the word "eight."

In sec. 3 and line 3, after the word "of," strike out the word "two" and insert "one." In same section insert the following in line 3, after the word "cultivated," "or fenced as a hay claim."

In sec. 4, line 2, after the word "within," strike out the word "three" and insert "eight;" and in line 4, after the word "of," strike out the word "two" and insert "one;" also in line 5, after the word "cultivate," insert the following: "if not a hay ranch." In same section, line 6, after the word "of," second occurrence, strike out the word "two" and insert "one."

J. S. MCCULLOUGH, Chairman.

Report received.

Mimms, chairman of the Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole, having had under consideration C. B. No. 41, beg leave to make the following report: They respectfully recommend that C. B. No. 41 do not pass.

R. W. MIMMS, Chairman Com. of the Whole.

On motion of Hanna the report was received and adopted.

Mimms asked permission to introduce C. B. No. 44, "An Act to define the duties of the Superintendent of Public Instruction for the Territory of Montana, and fixing the salary of the same."

Read 1st and 2d times, and referred to committee on Education.

With permission of the House, Parrott introduced H. B. No. 45, "An Act to repeal an act entitled 'An Act concerning lost goods and estrays.'"

Read 1st and 2d times, and referred, on motion of McCullough, to a select committee.

The Speaker appointed as such committee, McCullough, Parrott and Smith.

Communications were received from the Council, announcing the passage of C. B. No. 56, C. B. No. 52, H. B. No. 34, C. B. No. 61, joint-resolution No. 7, H. B. No. 22, H. B. No. 39, C. B. No. 45, and joint-resolution No. 6, with the following amendments:

Strike out all relating to Justices of the Peace, and the first six lines in sec. 3.

And that H. B. No. 7 was rejected.

C. B. No. 45, "An Act to incorporate the Flathead river ferry company." Read 1st and 2d times, and laid on the table.

C. resolution No. 7 read 1st and 2d times and, on motion of Maxwell, referred to a select committee.

The Speaker appointed Maxwell, Parrott and McCullough as such committee.

C. B. No. 61, "An Act to authorize Elijah Crawford and Wm. Homer to erect and maintain a toll bridge over the Jefferson river."

Read 1st and 2d times and laid on the table.

C. B. No. 56, "An Act to enable road, ditch, manufacturing, and other companies, to become bodies corporate," on motion of Maxwell, was read 1st and 2d times by the title, with a suspension of the rules.

Maxwell moved that fifty copies be printed.

Parrott moved to amend by adding "by J. P. Bruce," but withdrew his amendment.

Previous question seconded and carried.

The Speaker called Smith to the Chair.

Joint-resolution No. 4 read 3d time, and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, and Weed—11.

Nays--None.

Absent—LaFontaine and Mr. Speaker—2.

Resolution passed.

C. B. No. 41, "An Act prescribing the mode and manner of arresting individuals in civil cases," was, on motion of McCullough, read 3d time by its title, and put to its final passage.

Ayes—None.

Nays—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—12.

Absent—LaFontaine—1.

Bill lost.

H. B. No. 35, "An Act for maintaining and defining possessory rights upon the public domain in Montana Territory," read with committee's amendments, for information.

Mayhew moved to adopt the amendments. Withdrawn, and

On motion of Maxwell the amendments were taken up by sections.

Sec. 2, line 7, amendment by striking out "six" and inserting "three."

On motion to adopt, ayes and nays called.

Ayes—Maxwell, McCullough, McElroy, and Rice—4.

Nays—Corry, Hanna, Mimms, Parrott, Smith, Weed, and Mr. Speaker—8.

Absent—LaFontaine—1.

Amendment lost.

Amendment to sec. 3 read, and on motion of Maxwell to vote separately on the amendments, ayes and nays called for.

Ayes—Corry, Hanna, Maxwell, Mimms, Smith, Weed, and Mr. Speaker—7.

Nays—Daems, McCullough, Parrott, and Rice—4.

Absent—LaFontaine—1.

Motion prevailed.

1st amendment. Sec. 2, line 7, strike out "three" and insert "eight."

Ayes and nays called and carried.
Ayes—Daems, Maxwell, McCullough, Parrott, Rice, and Mr. Speaker—6.
Nays—Corry, Hanna, Mimms, Smith, and Weed—5.
Absent—LaFontaine and McElroy—2.
Amendment adopted.
2d amendment. Sec. 2, line 3, strike out "two" and insert "one."
Ayes and nays called on motion to adopt.
Ayes—Daems, McCullough, Parrott, and Rice—4.
Nays—Corry, Hanna, Maxwell, Mimms, Smith, Weed, and Mr. Speaker—7.
Absent—LaFontaine and McElroy—2.
Amendment lost.
3d amendment. Sec. 2, after "cultivated," [insert] "or fenced as a hay ranch."
Adopted on motion of Mayhew.
Sec. 4, 1st amendment, strike out "three" and insert "eight."
Was adopted on motion of Parrott.
2d amendment, sec. 4, strike out "two" and insert "one."
Ayes and nays called on adoption.
Ayes—McCullough and Rice—2.
Nays—Corry, Daems, Hanna, Maxwell, Mimms, Parrott, Smith, Weed, and Mr. Speaker—9.
Absent—LaFontaine and McElroy—2.
Amendment lost.
3d amendment, sec. 4, after "cultivated," insert "if not a hay ranch."
Adopted on motion of Mimms.
4th amendment, sec. 4. Line 6, strike out "two" and insert "one."
Was lost on motion to adopt.
McCullough offered the following amendment:
In sec. 1, line 1, strike out "eighteen" and insert "twenty-one."
On motion to adopt, ayes and nays called for.
Ayes—None.
Nays—Corry, Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—11.
Absent—LaFontaine and McElroy—2.
Amendment lost.
Maxwell offered the following amendment:
Add to sec. 1st, "other than for farming purposes."
McCullough moved to adjourn to 3 o'clock p. m., which motion prevailed, and the House adjourned to 3 o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment, with Speaker in the Chair.
Roll called. Present—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, and Mr. Speaker—12.
Absent—LaFontaine and Weed—2.
Speaker called Smith to the Chair.
On motion of Maxwell the further consideration of H. B. No. 55 was postponed for the present, and bill referred to Committee of the Whole to-morrow at 2 o'clock p. m.
Parrott was granted a leave of absence until to-morrow at 10 o'clock a. m.
A communication was received from the Governor, announcing his approval of H. B. No. 11, and also the following, which was, on motion of Maxwell, ordered to be spread upon the Journals:

VIRGINIA CITY, March 29th, 1866.

To the Honorable, the Speaker of the House of Representatives:
SIR: I had the honor of being waited on this morning by Messrs. Weed and Hanna, a committee of your honorable House, with an act entitled "An Act to enable road, ditch, manufacturing, and other companies to become bodies corporate," and this committee communicated to me the request and desire of the House that I should have the same printed, as it was an act of great benefit and no less importance.

The House is well aware that I have earnestly studied its convenience, and been most anxious to pay every respect to its wishes.

In the present instance, however, I am compelled by circumstances that have been forced upon me, to be slower in complying with the wishes of the House than it is in any way my disposition to be.

For this reason, but for no other whatever, do I repeat the circumstances to which I allude.

The House is aware of those circumstances. Major Bruce, who was appointed by me to discharge the duties of Public Printer, and who, it gratifies me sincerely to say, discharged those duties in an admirable manner, sent to this office yesterday morning his resignation, adding to that resignation an intimation that it should not be accepted until after the adjournment of the Legislature, as he did not wish to inconvenience the Legislature or embarrass the Executive by its dating from the receipt of the communication referred to.

As I saw no reason whatever for Major Bruce tendering his resignation at the time he did, I considered that it would be submitting the Executive to what appears to me to be simply his caprice, were I to accept his resignation subject to the modification or condition he proposed.

Consequently, I accepted his resignation then and there, and he ceased to be a Public Printer yesterday afternoon. Unwilling to make another appointment to the same office, which would place the printing of the Legislative proceedings in the hands of an establishment which, however respectable and efficient it is, I do not and cannot consider to be in harmony and concurrence with the National Administration, and the generous and noble policy of the Chief Magistrate of our Union, I declined to fill the vacancy at present.

Were the office of the Montana "Radiator" located in this city, I should have appointed Mr. Favorite, the editor and proprietor of that paper, to the position of Public Printer.

Those were the circumstances in which I was placed, when your committee called upon me this morning.

Your committee are in full possession of my sentiments and disposition in regard to the communication with which they were charged.

I told them distinctly that, having accepted Major Bruce's resignation, and regarding it as I did, it appears to me that it would be an unwarrantable submission of the Executive to the caprice, if not to the dictation of that gentleman were I to renew the privilege he had surrendered, and that he should never be authorized by me to resume it.

At the same time, anxious to facilitate the business of the Legislature, I should waive my objections to the Montana "Post," and ask Mr. Dittes as an accommodation to the Legislature, to print the bill recited in the foregoing part of this communication, and execute the printing of the Legislative proceedings for the remainder of the session.

Mr. Hopkins, my private Secretary, accordingly waited upon the gentlemen connected with the office of the Montana "Post," and learned from them that Mr. Dittes was absent from the city, and would not return until Sunday; that in his absence they would not undertake the business in question, but at the same time informed Mr. Hopkins they were of the opinion that Mr. Dittes, on his return, would undertake the work and have the incorporating act ready for Monday.

I have the honor to submit this reply through your committee to your honorable House; and am

Very truly your ob'dt serv't,

THOS. FRANCIS MEAGHER,
Acting Governor.

Joint-resolution No. 6 read with Council's amendments.

On motion of Mimms that the House do not concur, the ayes and nays were called for.

Ayes — Corry, Daems, Maxwell, McCullough, McElroy, Mimms, Rice, and Weed—8.

Nays — Hanna, Smith and Mr. Speaker — 3.

Absent — LaFontaine — 1.

Motion prevailed, and House refused to concur.

On motion of Mr. Mayhew, C. B. No. 61, "An Act to authorize Elijah Crawford and Wm. Homer to erect and maintain a toll bridge over the Jefferson river," was taken from the table.

On motion the rules were suspended, bill read 3d time and put to its final passage.

Ayes — Corry, Maxwell, McCullough, McElroy, Mimms, Rice, Smith, Weed and Mr. Speaker — 9.

Nays — Daems and Hanna—2.

Absent — LaFontaine — 1.

Bill passed and title agreed to.

Mr. Maxwell, chairman of select committee on joint-resolution No. 7, reported.

Mr. Speaker: Your select committee to whom was referred joint-resolution No. 7, respectfully report, that they have had the same under consideration, and recommend the passage of the same, with the following amendment, to wit:

In the 8th line, strike out "and settle."

A. S. MAXWELL, Chairman.

On motion of Mr. Mayhew, the report was adopted, and the resolution as amended read 3d time and put to its final passage.

Ayes — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Rice, Weed, and Mr. Speaker — 10.

Nays — Smith — 1.

Absent — LaFontaine — 1.

Resolution passed.

On motion of Mayhew, C. B. No. 33, "An Act to incorporate the Gold Hill mining and tunneling company," was taken from the table.

Bill read for information.

On motion of Mayhew, the rules were suspended, bill read 3d time and put to its final passage.

Ayes—Daems, Hanna, Maxwell, McElroy, Rice, and Smith—6.

Nays—Corry, McCullough, Mimms, Weed, and Mr. Speaker—5.

Absent—LaFontaine—1.

Bill passed.

Mayhew objected to the title, and moved to strike out "Hill" in the title and insert "Hollow."

Ayes and nays called for.

Ayes—Corry, Maxwell, Mimms, Rice, and Weed—5.

Nays—Daems, Hanna, McCullough, McElroy, Smith, and Mr. Speaker—6.

Absent—LaFontaine—1.

Amendment lost, and title of bill agreed to.

A communication was received from the Governor, announcing that he had signed and approved C. B. No. 49.

On motion of Mayhew C. B. 35, "An Act to incorporate the Sun river bridge company," was taken from the table.

Bill read for information, and on motion of Maxwell, was referred to a select committee.

The Chair appointed as such committee Mimms, Maxwell and Corry.

McCullough asked leave, and offered the following resolution:

Resolved, That the thanks of the Legislature be tendered to Capt. W. W. DeLacy, County Surveyor of Madison county, for the use of his excellent map of Montana Territory, which is acknowledged by all to be the only correct and accurate map yet made of our young and flourishing Territory, and that he be requested to publish the same at his earliest convenience for the better information of our own people, as well as to extend and diffuse useful knowledge to thousands now on their way to the gold fields of Montana.

On motion of Mayhew the resolution was adopted.

Mayhew moved to adjourn to 7 o'clock p. m.

Ayes and nays called for.

Ayes—Corry, Mimms, Rice, and Mr. Speaker—4.

Nays—Daems, Hanna, Maxwell, McCullough, McElroy, Smith, and Weed—7.
Motion lost.
Mimms moved to adjourn till 7 p. m.
Ayes and nays called for.
Ayes—McCullough, Mimms, Rice, and Mr. Speaker—4.
Nays—Corry, Daems, Hanna, Maxwell, McElroy, Smith, and Weed—7.
Absent—LaFontaine—1.
Motion lost.
Mayhew moved to adjourn to the usual hour to-morrow.
Motion prevailed and House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Clerk House of Representatives.

TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Friday, March 30th, 1866.

The Speaker called the House to order at the usual hour.
Roll called. Present—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Weed, and Mr. Speaker—11.
Absent—LaFontaine and Smith—2.

Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment beg leave to report that they have carefully examined H. B. Nos. 28, 34, 22, and 39; also joint-resolution No. 8, and find the same correctly enrolled.

GEO. H. HANNA, Chairman.

Daems, chairmen of committee on Education, reported:

Mr. Speaker: Your committee on Education, to whom was referred H. B. No. 44, "An Act defining the duties of Superintendent of Public Instruction for the Territory of Montana, and fixing the salary of the same," have carefully examined said bill, and report the same back and recommend its passage, with the following amendments, to wit;

Sec. 5, line 5, after the word "entire," strike out the remaining part of the section.

Sec. 7, line 6, after the words "and all," strike out the word "such." Same section, line 8, after the words "this office," strike out the remaining part of the section.

All of which is respectfully submitted.

L. DAEM, Chairman.
R. W. MIMMS,
J. MCELROY.

Weed, chairman of committee on Printing, reported:

Mr. Speaker: Your committee on Printing beg leave to report that they have attended to their duty as instructed by the House in regard to C. B. No. 56, and were informed by his Excellency the Governor, that at present there was no Public Printer; that Major Bruce, former Public Printer, had seen fit to hand in his resignation. Under the circumstances his Excellency could not authorize him to do any more work for this House, but would try and make some arrangements for printing this particular bill; and your committee would further report that his Excellency promised to inform this House at his earliest convenience, when, if at all, the printing could be done.

WEED, Chairman.

Report received.

McCullough, chairman of select committee on joint-resolution No. 9, reported:

Mr. Speaker: Your committee, to whom was referred joint-resolution No. 9, having examined the same, recommend that it pass after striking out as appears on its face.

J. S. MCCULLOUGH, Chairman.

On motion of Corry, the report was received and committee discharged.

McCullough, chairman of select committee on H. B. No. 42, reported:

Mr. Speaker: Your select committee, to whom was referred H. B. No. 42, have examined the same, and find that said bill does not meet the approbation of the House, nor the public, and would respectfully recommend in lieu of the same a substitute which accompanies this report.

J. S. McCullough, Chairman.

On motion of Hanna, the report was received and committee discharged.

Mimms asked leave to introduce H. B. No. 46, "An Act relating to the Legislative Assembly."

Read 1st and 2d times, and, on motion of Parrott, referred to a select committee.

Mr. Speaker appointed as such committee Parrott, McCullough, and Smith.

Mimms gave notice that he would to-morrow, or some subsequent day, introduce "An Act creating a fund for the benefit of common schools in the Territory of Montana."

Maxwell introduced joint-resolution No. 11.

Read 1st and 2d times, and, on motion of Smith, the rules were suspended, resolution read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Weed and Mr. Speaker—11.

Nays—Smith—1.

Absent—LaFontaine—1.

Resolution passed.

A communication was received from the Council announcing the passage of C. B. Nos. 1, 51, 59, and 54; also, joint-resolution No. 8 and H. B. No. 32 indefinitely postponed, and H. B. No. 5 lost.

The Speaker called McCullough to the Chair.

C. B. No. 54, "An Act to incorporate the Big Blackfoot and Fort Benton wagon road company."

Read 1st and 2d times by its title, the rules being suspended, and, on motion of Maxwell, laid on the table.

C. B. No. 51, "An Act to authorize James Tolbert and J. V. Rice to establish a ferry on the Missouri river, opposite Kercheval city."

Read 1st and 2d times and laid on the table.

C. B. No. 59, "An Act to authorize the several County Commissioners of the several counties of this Territory to fund the debt of their respective counties."

Read 1st and 2d times and referred to committee on Ways and Means.

C. B. No. 1, "An Act defining the duties of Territorial Auditor and Treasurer of the Territory of Montana."

Read 1st and 2d times and referred to committee on Ways and Means.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment have examined joint-resolution No. 11, and find the same correctly engrossed.

A. J. Smith, Chairman.

Mayhew moved to send for C. B. No. 52. Seconded by Daems, and ayes and nays called for.

Ayes—Daems, McCullough, McElroy, and Mr. Speaker—4.

Nays—Corry, Hanna, Maxwell, Mimms, Parrott, Rice, Smith, and Weed—8.

Absent—LaFontaine—1.

Motion lost.

On motion of Mayhew H. B. No. 44 was referred to Committee of the Whole this evening at 3 o'clock.

H. B. No. 42, a substitute for "An Act in relation to fishing." Read 1st and 2d times.

On motion of Mayhew the report of the committee on H. B. No. 42 was adopted.

H. B. No. 42 substitute read for information.

On motion of Parrott, the House adjourned to 2 o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment, with Mr. Speaker in the Chair.

Roll called. Present—Corry, Maxwell, Mimms, Parrott, and Mr. Speaker—5.

Absent—Daems, Hanna, LaFontaine, McCullough, McElroy, Rice, Smith, and Weed—8.

No quorum present.

Sergeant-at-Arms sent for the absentees.

Quorum present, and the House went into Committee of the Whole.

House resumed.

A communication was received from the Council, announcing the passage of joint-resolution No. 11, and that the Council would meet the House in joint-session at 4 o'clock p. m..

House went into Committee of the Whole.

House resumed.

Mr. Smith moved that a committee of two be appointed to wait on the Council and accompany them to the House, which motion prevailed, and the Speaker appointed as such committee Smith and Rice.

On motion of Mimms, the consideration of H. B. No. 44 by the Committee of the Whole was deferred until to-morrow at 10 o'clock p. m.

The committee appointed to wait on the Council announced the presence of that body, whereupon the House and Council went into

JOINT SESSION.

Hon. Mr. Patton, President of the Council, in the Chair.

Roll called. Present—Corry, Daems, Hanna, Maxwell, McElroy, Mimms, Parrott, Rice, Smith, Weed, Mr. Speaker, Bagg, Leavitte, McCormick, Merriman, Phelps, Spratt, and the President—18.

Absent—LaFontaine and McCullough—2.

The correspondence between Major Bruce and the Governor with the communication from the Governor to the House in regard to the public printing, and the report of the House committee on Printing, were read for information.

Bagg made a motion but withdrew it, and offered the following resolution:

Resolved, That we are in want of a Public Printer, who we desire shall publish the important laws now before the two Houses, and request the Acting Governor to appoint a Public Printer for the remainder of the session, in the place of Major Bruce, resigned.

On motion of Mayhew the resolution was adopted.

On motion of Merriman, the joint-session adjourned.

The Speaker called the House to order.

On motion of Smith, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Saturday, March 31st, 1866.

House called to order at the usual hour by Mr. Speaker.

Roll called. Present—Maxwell, McCullough, Mimms, Parrott, Rice, Smith, and Mr. Speaker—7.

Absent—Corry, Daems, LaFontaine, McElroy, and Weed—6.

Journal of yesterday read and approved.

A petition from the citizens of Blackfoot asking that a charter for a water company be granted to Hoppy and Johnson, was read and referred to the committee on Incorporations.

Maxwell, chairman of committee on Ways and Means, reported:

Mr. Speaker: Your committee on Ways and Means, to whom was referred C. B. No. 1, entitled "An Act defining the duties of Territorial Auditor and Treasurer of the Territory of Montana," respectfully beg leave to report that

they have had the same under consideration, and recommend that the same pass the House, with the following amendments, to wit:

Sec. 3, line 3, after the word "money" strike out the words "collected or."

Sec. 21, line 5, after the word "amendment," strike out the remainder of the section.

A. S. MAXWELL, Chairman.

Report received.

Smith, chairman of select committee on C. B. No. 20, reported:

Mr. Speaker: Your select committee to whom was referred C. B. No. 20, "An Act to dissolve the bonds of matrimony betweed Peter Ruswick and Lydia Ruswick," would most respectfully ask this honorable body to admit the evidence in the possession of your committee to this House, hoping by this course justice will be done.

A. J. SMITH, Chairman.
R. B. PARROTT,
A. J. MCCULLOUGH.

On motion of Mimms the report was received and committee discharged.

Mimms, chairman of the Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole, having had under consideration H. B. No. 35, beg leave to make the following report: They refer the bill back to the House, and recommend its passage as amended by the Committee of the Whole.

R. W. MIMMS, Chairman
Committee of the Whole.

On motion of McCullough the report was adopted.

Mimms, pursuant to notice, introduced H. B. No. 47, "An Act creating a fund for the benefit of common schools of Montana Territory."

Read 1st and second times, and on motion of McCullough the rules were suspended, bill read 3d time and put to its final passage.

Ayes—Mimms, Smith, and Mr. Speaker—3.

Nays—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Parrott, Rice, and Weed—9.

Absent—LaFontaine—1.

Bill lost.

A communication was received from the Governor, announcing his approval of C. B. Nos. 43 and 52, and H. B. Nos. 28 and 39.

On motion of Daems the rules were suspended, and the Governor's veto to C. B. No. 24 was read and ordered to be spread upon the Journal.

EXECUTIVE OFFICE, T. OF M.
VIRGINIA CITY, March 30th, 1866.

To the President of the Council:

MR. PRESIDENT: I have given the act to incorporate the Great Beaverhead wagon road company the fullest and most conscientious consideration.

It shall have my heartiest approval, provided that the said road terminates on the south at the junction of the Bannack city and Virginia city roads to Salt Lake city; that it be limited to a quarter of a mile in width; that it shall not interfere with any free road already established; that there shall be one toll gate only established on it, and that at the mouth of the Beaverhead canon, at which gate the whole toll for traveling the entire length of the road shall be collected, at the following rates: For each vehicle drawn by one pair of animals, $2; and the other rates the same as are mentioned in the bill.

I respectfully suggest these alterations, as I earnestly desire to have the existing monopoly of the Parsons road effectually neutralized, and the most liberal inducements and facilities compatible with a good road thrown open to the public. And with the hope that the bill may be so amended, I have the honor to return it, solely with that view. As the bill stands at present, it does not appear to me to combat the monopoly in question.

I have the honor to be, very respectfully,

Your ob'dt serv't,
THOS. FRANCIS MEAGHER,
Acting Governor.

A communication was received from the Governor, announcing his approval of H. B. No. 34.

Maxwell moved a reconsideration of the vote by which C. B. No. 24 was passed, which motion prevailed.

Parrott moved that C. B. No. 24 do now pass, notwithstanding the Governor's veto.

Motion seconded by Mimms, and vote taken with the following result:

Ayes—Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Weed, and Mr. Speaker—10.

Nays—Corry and Smith—2.

Absent—LaFontaine—1.

The bill having a two-thirds vote in its favor, was declared passed over the Governor's veto.

A communication was received from the Council, announcing the passage of C. Bs. 57 and 58, H. B. 25 and 31, and C. B. No. 24 had passed over the Governor's veto.

The Speaker called Smith to the Chair.

Council joint-resolution No. 8.

Read 1st and 2d times, and on motion of Mimms the rules were suspended, resolution read 3d time and put to its final passage.

Ayes—Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Smith, and Mr. Speaker—8.

Nays—None.

Absent—Corry, LaFontaine, McElroy, Rice, and Weed—5.

Resolution passed.

C. B. No. 57, "An Act defining the duties of county surveyors."

Read 1st and 2d times, and on motion of McCullough the rules were suspended, bill read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—12.

Nays—None.

Absent—LaFontaine—1.

Bill passed and title agreed to.

C. B. No. 58, "An Act concerning limited partnership."

Read 1st and 2d times, and on motion of Maxwell laid on the table.

On motion of Mayhew, C. B. No. 20 was referred to the Committee of the Whole at 3 o'clock p. m.

On motion of Mimms to adjourn, ayes and nays called.

Ayes — Daems, Hanna, Maxwell, Parrott, Rice, and Weed—6.

Nays — Corry, McCullough, Mimms, Smith and Mr. Speaker — 5.

Absent — LaFontaine and McElroy—2.

Motion prevailed, and House adjourned till 2 o'clock p. m.

AFTERNOON SESSION.

House met at 2 o'clock, Mr. Mimms, of Edgerton, in the Chair.

Roll called. Present — Corry, Hanna, McCullough, McElroy, Mimms, Parrott, and Weed — 7.

Absent — Daems, LaFontaine, Maxwell, Rice, Smith, and Mr. Speaker—6.

On motion of McCullough Maxwell was excused, on account of sickness, till Monday morning.

Sergeant-at-Arms sent for absentees.

House went into Committee of the Whole.

House resumed.

A communication was received from the Council, announcing the passage of joint-resolution No. 9.

Parrott introduced H. J. R. No. 12.

Read 1st and 2d times, and on motion of Mr. Smith rules suspended, resolution read 3d time, and put to its final passage.

Ayes—Corry, Hanna, McElroy, Parrott, Rice, Smith, Weed and Mr. Speaker—8.

Nays—McCullough—1.

Absent—Daems, LaFontaine and Mimms—3.
Resolution passed.

Parrott called up joint-resolution No. 9. Read 1st and 2d times, and, on motion of Smith, the rules were suspended, resolution read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—9.
Nays—McCullough—1.
Absent—LaFontaine and McElroy—2.
Resolution passed.

House went into Committee of the Whole.

House resumed.

A communication was received from the Council announcing the passage of C. B. No 63.

Smith called up C. B. No. 63, "An Act to divorce E. P. Warring and R. P. Warring." Read 1st and 2d times, and, on motion of Weed, the rules were suspended, bill read 3d time and put to its final passage.

Ayes—Hanna, McCullough, Mimms, Smith and Weed—5.
Nays—Daems, McElroy, Parrott, Rice and Mr. Speaker—5.
Excused—Corry—1.
Absent—LaFontaine—1.
Bill lost.

J. R. No. 9 read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, McCullough, McElroy, Mimms, Parrott, Rice, and Mr. Speaker—9.
Nays—Smith and Weed—2.
Absent—LaFontaine—1.
Resolution passed.

On motion of Parrott, C. B. No. 51 was taken from the table and referred to the committee on Incorporations.

The Speaker called McCullough to the Chair.

On motion of Parrott the vote on C. B. 63 was reconsidered.

Bill read again and put to its final passage.

Ayes—Hanna, McCullough, Mimms, Smith, and Weed—5.
Nays—Daems, McElroy, Rice, and Mr. Speaker—4.
Excused—Corry and Parrott—2.
Absent—LaFontaine—1.
Bill passed and title agreed to.

The Speaker took the Chair.

McCullough, chairman of the Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole, having under consideration H. B. Nos. 42, 44, also C. B. 20, beg leave to make the following report: They respectfully recommend the passage of H. B. 44, as amended; also recommend the passage of C. B. No. 20. They refer H. B. 42 back to the House, without any recommendations. All of which is respectfully submitted.

J. S. McCULLOUGH, Chairman
Committee of the Whole.

On motion of Smith, the report was received and adopted.

C. B. No. 20, "An Act to dissolve the bonds of matrimony between Peter Ruswick and Lydia Ruswick."

Read 3d time and put to its final passage.

Ayes—Hanna, McCullough, Mimms, Smith, Weed and Mr. Speaker—6.
Nays—Corry, Daems, McElroy, Parrott, and Rice—5.
Absent—LaFontaine—1.
Bill passed and title agreed to.

H. B. No. 44 read with committee's amendments, and on motion of McCullough the amendments, and bill as amended, were adopted and the bill ordered engrossed.

H. B. No. 42 was, on motion of McCullough, referred to a select committee.

The Speaker appointed as such committee McCullough, Rice and McElroy.

C. J. R. No. 10 read 1st and 2d times and laid on the table.

On motion of McCullough C. B. No. 1, with the amendments offered by the committee of Ways and Means, was made a special order in Committee of the Whole on Monday at 2 o'clock p. m.

On motion of Parrott the House adjourned to Monday.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Clerk House of Representatives.

TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T., }
Monday, April 2d, 1866. }

The Speaker called the House to order at the usual hour.

Roll called. Present—Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Weed, and Mr. Speaker--9.

Absent—Corry, LaFontaine, Rice, and Smith—4.

Prayer by the Chaplain.

Saturday's Journal read and approved.

Maxwell, of the committee of Ways and Means, reported a joint-memorial to Congress, remonstrating against the sale of mineral lands, which was, on motion of McCullough, read and two hundred and fifty copies ordered printed.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: Your committee on Incorporations have examined C. B. No. 51, and recommend its passage, after being amended as follows:

In sec. 1, line 10, strike out "twenty rods" and insert "two miles." Also in line 11, make the same change.

In sec. 3, line 12, strike out $100 and insert $200.

J. S. MCCULLOUGH, Chairman.

Mr. Weed, acting chairman of committee on Engrossment, reported:

Mr. Speaker: Your comittee on Engrossment beg leave to report that they have carefully examined H. B. 44 and joint-resolution No. 9, and find the same correctly engrossed.

WEED, Chairman.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred H. B. No. 46, a bill for an act entitled "An Act relating to the Legislative Assembly," beg leave to report that they have had said bill under consideration, and find that the subject referred to in said bill is sufficiently provided for by ordinary parliamentary usages, so that legislation on the subject is useless. Your committee would therefore respectfully recommend that said bill do not pass.

R. B. PARROTT, Chairman.

Report received.

Mr. Parrott, chairman of select committee on H. B. No. 24 and C. B. No. 7, made a report, which was recommitted.

McCullough, chairman of select committee on H. B. No. 42, reported:

Mr. Speaker: Your committee to whom was referred H. B. No. 42, have examined the same, and find no provisions in said bill preventing persons from destroying fish by the use of poisonous drugs, and would respectfully recommend its passage after being amended as follows: Strike out all after the enacting clause, and insert in lieu thereof:

Sec. 1. That it shall be unlawful for any person or persons in the Territory of Montana to use any poisonous substances for catching any kind of fish; and that any person or persons offending against this act, on conviction thereof shall forfeit and pay, for every such offense, a penalty of not less than fifty dollars nor more than two hundred dollars, to be recovered with cost of suit in civil action, in the name of the Territory of Montana, before any court having jurisdiction. One half of the fine so collected shall be paid into the county treasury for the benefit of the county schools of the county in which

the offense was committed, and one half shall be paid to the person or persons informing by a complaint to a court of law that such offense has been committed. All such fines and costs shall be collected without stay of execution; and such defendant, or defendants, may, by order of the court, be confined to the county jail for the period of ten days.

Sec. 2. That the act entitled "An Act relating to trout fishing," passed by the last Legislative Assembly of Montana Territory, and approved the 2d day of February, A. D. 1865, be, and the same is hereby repealed.

Sec. 3. This act to take effect and be in full force from and after its passage.

J. S. McCULLOUGH, Chairman.

On motion of Maxwell the report was received and the committee discharged.

Parrott, chairman of joint committee, reported H. B. 33 (the fee bill) back to the House with amendments, which were referred to the Committee of the Whole at 3 o'clock p. m.

Parrott, chairman of joint committee, reported:

Mr. Speaker: Your joint committee, to whom was referred C. B. No. 13, beg leave to report that they have had said bill under consideration, and recommend that it pass, with the following amendments, to-wit:

Strike out all of sec. 14 after the word "of" in the 5th line, and insert in lieu thereof the following, to wit:

May, September and January in each year; Provided, That special terms of said court shall be held in the places aforesaid, commencing on the first Monday of July, November and March in each year for the trial or disposition of all business in which a jury is not required; and Provided further, That any cause requiring the intervention of a jury, may be tried by the consent of parties, and their agreeing upon a plan of selecting a jury.

R. B. PERROTT, Chairman.

On motion of McCullough the report was received and the committee discharged.

Parrott furthermore reported from the joint committee:

Mr. Speaker: Your joint committee, to whom was referred C. B. No. 21, a bill for an act entitled "An Act concerning jurors," beg leave to report that they have examined the same, and recommend its passage.

R. B. PARROTT, Chairman.

On motion of Mimms the report was received and the committee discharged.

On motion of Parrott C. B. Nos. 13 and 31 were referred to the Committee of the Whole at 3 o'clock p. m.

On motion of Maxwell it was agreed to go into Committee of the Whole at 4 o'clock p. m. to consider the report of the commissioners appointed to examine the books and accounts of the Territorial Auditor and Treasurer.

The Speaker called Mimms to the Chair, and, with permission of the House, introduced H. B. No. 48, "An Act to prevent pasturing stock on winter grass lands in Montana Territory.

Read 1st and 2d times and, on motion of Maxwell, referred to select committee.

The Chair appointed as such committee Mayhew, Maxwell and McCullough.

A communication was received from the Council, announcing the passage of joint-memorial No. 3, H. R. No. 6, with amendments, and C. B. No. 55.

Joint-memorial No. 3 read 1st and 2d times, and on motion referred to a committee of five from the House, with a request that the Council appoint a committee of three to act in conjunction with the House committee on said memorial.

The Chair appointed on part of the House, Maxwell, Mayhew, Parrott, McCullough and Smith.

A communication was received from the Governor, announcing that he had approved and signed H. B. No. 22.

C. B. No. 55, "An Act creating certain offices in the Territory of Montana,

declaring to whom resignations shall be made, what offices shall be deemed vacant, and the manner of filling vacancies."

Read 1st and 2d times, and referred on motion to a select committee.

The Chair appointed as such committee Maxwell, Parrott and McCullough.

H. B. No. 44, "An Act defining the duties of the Superintendent of Public Instruction for the Territory of Montana, and fixing the salary of the same."

Read 3d time, and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—12.

Nays—None.

Absent—LaFontaine—1.

Bill passed, and title agreed to.

H. B. No. 46, "An Act relating to the Legislative Assembly."

Read for information, and, on motion of McCullough to postpone indefinitely, the ayes and nays were called.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Parrott, Rice, and Weed—9.

Nays—Mimms, Smith, and Mr. Speaker—3.

Absent—LaFontaine—1.

Motion prevailed, and bill indefinitely postponed.

On motion of McCullough, the House adjourned to 2 p. m.

AFTERNOON SESSION.

The Speaker called the House together at the adjourned hour.

Roll called. Present—Daems, Maxwell, McElroy, Mimms, Parrott, Smith, and Mr. Speaker—7.

Absent—Corry, Hanna, LaFontaine, McCullough, Rice, and Weed—6.

House went into Committee of the Whole.

House resumed.

On motion of Maxwell House adjourned to half past seven o'clock p. m., to go into Committee of the Whole on the fee bill.

EVENING SESSION.

House met pursuant to adjournment, Mr. Speaker in the Chair.

Roll called. Present—Corry, Daems, Maxwell, Mimms, and Mr. Speaker—5.

Absent—Hanna, LaFontaine, McCullough, McElroy, Parrott, Rice, Smith, and Weed—8.

No quorum present.

Sergeant-at-Arms sent for absentees.

Quorum present, and House went into Committee of the Whole.

House resumed, and

On motion of Maxwell the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Tuesday, April 3d, 1866.

Mr. Speaker called the House to order at the usual hour.

Roll called. Present—Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—10.

Absent—Corry, LaFontaine and McElroy—3.

Prayer by the Chaplain.

Yesterday's Journal read and approved.

Mimms, chairman of the Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole, to whom was referred C. B. No. 1, "An Act defining the duties of Territorial Auditor and Treasurer," have had the same under consideration, and report the same back and recommend its passage with the amendments accompanying the bill.

Also H. B. No. 33, "An Act regulating the fees of officers, witnesses, and

jurors," and report the bill back with amendments of the committee for the further consideration of the House.

All of which your committee respectfully submit.

R. W. MIMMS, Chairman
Committee of the Whole.

Report received.

A communication from the Council was read, announcing the passage of joint-resolution No. 10.

Council joint-resolution No. 10 read 1st and 2d times, and referred on motion of Parrott, to a select committee.

The Speaker appointed as such committee Parrott, Smith, and Rice.

H. B. No. 35, "An Act for maintaining and defining possessory rights upon the public domain in Montana Territory."

Read for information.

Maxwell offered the following amendment:

Add to sec. 1 the following: "for any purpose other than for such agricultural and grazing purposes; and, Provided further, That not more than twenty acres of timber lands in the mountains shall be included in one preemption."

On motion of Mr. Parrott to lay the amendment on the table, the ayes and nays were called.

Ayes—Daems, McCullough, McElroy, Mimms, Parrott, and Weed—6.

Nays—Hanna, Maxwell, Rice, Smith, and Mr. Speaker—5.

Absent—Corry and LaFontaine--2.

Motion prevailed, and amendments laid on the table.

On motion of Parrott, the rules were suspended, the bill considered engrossed, read 3d time by its title and put to its final passage.

Ayes—Daems, Hanna, Mimms, Parrott, Weed, and Mr. Speaker—6.

Nays—Maxwell, McCullough, McElroy, Rice, and Smith—5.

Absent—Corry and LaFontaine—2.

Bill passed and title agreed to.

H. B. No. 33 (fee bill) read with amendments of Committee of the Whole and joint committee.

Parrott offered to amend by striking out in Probate Judge's fees, 7th line, "each 100 words, 20 cents," and insert $1.50.

Ayes and nays called for on the adoption.

Ayes—Parrott, Smith, Weed, and Mr. Speaker—4.

Nays—Daems, Hanna, Maxwell, McCullough, Mimms, and Rice—6.

Absent—Corry, LaFontaine, and McElroy—3.

Amendment lost.

On motion of Parrott the words "on each opening," in the 1st line of Sheriff's fees, was stricken out.

Mimms offered to amend by adding to fees of Justices of the Peace, for trying civil cases, "per day, $4."

On adoption, the ayes and nays were called for.

Ayes—Hanna, McCullough, McElroy, Mimms, and Rice—5.

Nays--Daems, Maxwell, Parrott, Smith, and Mr. Speaker—5.

Absent—Corry, LaFontaine, and Weed—3.

Amendment lost.

Parrott moved to adopt the bill as amended.

Ayes and nays called for.

Ayes—Daems, Hanna, Parrott, Smith, and Mr. Speaker--5.

Nays—Maxwell, McCullough, McElroy, Mimms, and Rice—5.

Absent—Corry, LaFontaine and Weed—3.

Motion lost.

On motion of Mimms the vote was reconsidered.

Parrott moved to adopt the amendments of the Committee of the Whole to the amendments of the joint committee.

Ayes and nays called for.

Ayes—Daems, Hanna, McElroy, Smith, Weed, and Mr. Speaker—6.

Nays—Maxwell, McCullough, Mimms, Parrott, and Rice—5.

Excused—Corry—1.

Absent—LaFontaine—1.

Motion prevailed.

On motion of Smith to adopt the bill as amended by the Committee of the Whole and joint committee, the ayes and nays were called.

Ayes—Daems, Hanna, McElroy, Mimms, Parrott, Smith, Weed and Mr. Speaker—8.

Nays—Corry, Maxwell, McCullough and Rice—4.

Absent—LaFontaine—1.

Motion prevailed, and bill adopted as amended, and ordered engrossed.

On motion of Parrott, the House went into Committee of the Whole on C. B. No. 13.

House resumed in the afternoon.

Smith, chairman of Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole recommend the passage of C. B. No. 13, with the following amendments:

Section 1st, line 22d, strike out "servants."

Section 2d, lines 3 and 4, strike out "madmen."

Also C. B. No. 21, with the following amendments:

Section 1st, line 3d, strike out "or probate," and "s" from "courts."

Section 10, add after "company," "all idiots and insane persons."

A. J. SMITH, Chairman.

On motion of Mimms, the report was received and adopted.

On motion, the amendments to C. B. No. 13, and bill as amended, adopted.

Also, the amendments to C. B. No 21, and bill as amended, were adopted.

On motion of Smith, the rules were suspended, C. B. No. 13 read 3d time by its title and placed on its final passage.

Ayes—Corry, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Weed and Mr. Speaker—10.

Nays—Daems and Smith—2.

Absent—LaFontaine—1.

Bill passed and title agreed to.

On motion of Smith, the rules were suspended, C. B. No. 21 read 3d time by its title and put to its final passage.

Ayes—Corry, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker—11.

Nays—Daems—1.

Absent—LaFontaine—1.

Bill passed and title agreed to.

On motion of Maxwell, that the House concur with the Council in amendments to H. B. No. 6, the ayes and nays were called for.

Ayes—Daems, Hanna, Maxwell, Mimms, Parrott, Rice, Smith, Weed and Speaker—9.

Nays—Corry, McCullough and McElroy—3.

Absent—LaFontaine—1.

Motion prevailed and House concurred.

Parrott offered the following amendment to C. B. No. 1:

After the word "treasury," in the 12th section, insert the following, to wit: "Provided, that when any person desiring more than one warrant to be issued to him, on an account stated for any certain service performed, said Auditor shall receive from the person so desiring more than one warrant, the sum of twenty-five cents for each warrant so demanded."

On motion of Daems, the amendment was adopted.

On motion of Maxwell, the amendments offered by the Committee of the Whole to C. B. No. 1, were adopted, and

On motion of Weed, the bill was adopted as amended.

On motion of Maxwell, the rules were suspended, C. B. No. 1 read 3d time by its title, and placed on its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Weed and Speaker—11.

Nays—None.

Absent—LaFontaine and Smith—2.

Bill passed and title agreed to.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment, having examined H. B. No. 40, find the same correctly engrossed.

A. J. SMITH, Chairman.

H. B. No. 40, "An Act supplementary to 'An Act defining the duties of county Treasurers and the payment of county warrants.'"

Read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—12.

Nays—None.

Absent—LaFontaine—1.

Bill passed, and title agreed to.

C. B. No. 25, "An Act to amend an act entitled 'An Act concerning lost goods and estrays.'"

Read 1st and 2d times, and referred, on motion, to select committee.

The Speaker appointed as such, Maxwell, McCullough and Weed.

On motion of Parrott, the House adjourned till half past seven p. m., to take into consideration the report of the commissioners upon the account of the Territorial Auditor and Treasurer.

EVENING SESSION.

House met pursuant to adjournment with Speaker in the Chair.

Roll called. Present—Corry, Hanna, Maxwell, McElroy, Parrott, Weed and Mr. Speaker—7.

Absent—Daems, LaFontaine, McCullough, Mimms, Rice and Smith—6.

On motion the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T., }
Wednesday, April 4th, 1866. }

Mr. Speaker called the House to order at the usual hour.

Roll called. Present—Corry, Hanna, Maxwell, McCullough, Mimms, Parrott, Smith, Weed, and Mr. Speaker—9.

Absent—Daems, LaFontaine, McElroy and Rice—4.

Prayer by the Chaplain.

Yesterday's Journal read and approved.

Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment beg leave to report that they have carefully examined joint-resolution No. 6, asking Congress to amend the Organic Act of the Territory of Montana, and find the same correctly enrolled.

GEO. H. HANNA, Chairmman.

Weed, chairman of committee on Printing, reported:

Mr. Speaker: Your committee on Printing beg leave to report that they have carefully compared the report of committee on mines and minerals, and find the same correctly printed.

WEED, Chairman.

Parrott made a report from a select committee:

Mr. Speaker: Your select committee, to whom was referred C. B. No. 7 and H. B. No. 24, beg leave to report that they find the Incorporators, in C. B. No. 7, proposed to construct, and keep in good repair, a road from Virginia city by way of Sterling city, to Helena city; and that, in order to complete a road for travel, bridges will have to be constructed on the smaller streams between Sterling city and Helena city, and the road between the two last mentioned cities will need much work in order to complete and keep the same in order, with the bridges, according to the stipulations in the bill; that the greatest amount of labor to be performed [is] in opening said road betwene Vir-

ginia city and Sterling city. Said incorporation in said bill No. 7, propose to establish one toll-gate on the whole of that road, i. e., between Virginia city and Sterling city, which will leave the road thus made, and kept in good repair, between Sterling city and Helena city, a free road for the use of farmers and others; also, giving to the public between the points mentioned, a free bridge across the Jefferson river, and other streams.

Your committee find that a road, with bridges, constructed from Virginia city to Helena city, by way of Sterling city, would come in competition with a road known as the King & Gillette road, and would be nearer from the point mentioned, than any route yet accessible to travel.

Your committee find that H. B. No. 24 is introduced for the purpose of obtaining a charter over a portion of the same road, as asked for in C. B. No. 7, to wit: Between Virginia city and Sterling city.

Your committee are of the opinion that their minds, as Legislators, should be directed in making laws to the good of the whole country, and the whole people, without respect to persons; and, believing that a road running from Virginia city, by the way of Sterling city, when kept in good order, would be of more benefit to the people of the Territory at large, than a road from Virginia city to Sterling city could possibly be:

Your committee would, therefore, recommend that H. B. No. 24 be indefinitely postponed, and that C. B. No. 7 be passed as amended.

Respectfully submitted.

R. B. PARROTT, Chairman.

On motion of Smith, the report was received, adopted, and committe discharged.

On motion of McCullough to strike out "50 cents," and insert "20 cents," in the toll upon each additional span of animals, the ayes and nays were called for.

Ayes—Corry, McCullough, McElroy, Rice and Mr. Speaker—5.

Nays—Daems, Hanna, Maxwell, Mimms, Parrott, Smith, and Weed—7.

Absent—LaFontaine—1.

Amendment lost.

On motion of Corry to strike out "17 feet," and insert "8 feet," in the grade of the road, the ayes and nayes were called.

Ayes—Corry, McCullough, McElroy, Rice and Mr. Speaker—5.

Nays—Daems, Hanna, Maxwell, Mimms, Parrott, Smith, and Weed—7.

Absent—LaFontaine,—1.

Amendment lost.

Smith moved that the rules be suspended, bill read 3d time by its title, and placed upon its final passage.

Motion supported, and ayes and nays called for.

Ayes—Corry, Daems, Hanna, Maxwell, Mimms, McElroy, Parrott, Smith, and Weed—9.

Nays—McCullough, Rice, and Mr. Speaker—3.

Absent—LaFontaine—1.

Motion prevailed, bill read 3d time by its title, and put to its final passage.

Ayes—Daems, Hanna, Maxwell, McElroy, Mimms, Parrott, Smith, Weed and Speaker—9.

Ayes—Corry, McCullough, and Rice—3.

Absent—LaFontaine—1.

Bill Passed and title agreed to.

Maxwell, chairman of committee on Ways and Means, reported:

Mr. Speaker: The committee on Ways and Means, to whom was referred C. B. No 59, beg leave to submit the following amendments, and recommend their adoption:

Section 1, line 10th, after the word "bonds," insert the words "with interest, and having coupons payable semi-annually in gold coin."

Section 2d, line 7th, strike out the word "annually," after the word "paid," and insert "semi-annually, to the Territorial Treasurer and report."

Section 5. Whenever the sum of five hundred dollars, or more, shall have accumulated on the bonds of the Treasurer, arising from the provisions of

section 3 of this act, he shall post a notice on the door of his office, for at least ten days, of the amount of money, and shall receive bids in writing from any bond-holder, for the redemption of said bonds, and the party offering to take the least amount for said bonds, shall receive the said same sum from the Treasurer.

That the foregoing section be placed as section 6 of the original act.

Section 6 be section 7, and that section 7 be section 8.

A. S. MAXWELL, Chairman.

Report received.

Maxwell asked leave to introduce H. B. No 49, "An Act to authorize the Territorial Auditor to fund the present Territorial indebtedness."

Read 1st and 2d times and referred, on motion, to the Committee of the Whole at 2 o'clock p. m.

Mr. Speaker called Smith to the Chair.

A communication was received from the Council announcing the passage of C. B. Nos. 47, 66 and 67.

C. B. No. 65, "An Act to amend an act entitled 'An Act to incorporate the city of Virginia.'"

Read 1st and 2d times, and, on motion of Daems, referred to a select committee.

The Chair appointed as such, Daems, McCullough and Hanna.

C. B. No. 66, "An Act to amend an act entitled 'An Act concerning license,'" approved February 9th, 1866.

Read 1st and 2d times, and referred to committee on Ways and Means.

C. B. No. 67, "An Act divorcing F. A. and Foster Richardson."

Read 1st and 2d times, and, on motion of McCullough, rules were suspended, bill read 3d time and put to its final passage.

Ayes — McCullough, Mimms, Smith and Weed — 4.

Nays — Corry, Daems, Hanna, Maxwell, McElroy, Parrott, Rice and Mr. Speaker — 8.

Absent—LaFontaine—1.

Bill lost.

C. B. No. 47, "An Act to amend 'An Act relating to county and county officers.'"

Read 1st and 2d times, and, on motion of Mayhew, rules suspended, bill read 3d time and placed on its final passage.

Ayes — Daems, Hanna, McCullough, Maxwell, McElroy, Mimms, Rice, Weed and Speaker — 9.

Nays — Corry, Parrott, and Smith — 3.

Absent — LaFontaine -- 1.

Bill passed and title agreed to.

On motion of Mayhew, C. B. No. 59 was referred to the Committee of the Whole at 3 o'clock p. m.

Communications were received from the Council announcing the passage of C. B. No. 61, and C. B. No. 9, by a two-thirds vote over the Governor's veto.

C. B. No. 61 was read with the Governor's objections.

On motion of Maxwell, the vote on C. B. No. 61 was reconsidered.

The Chair announced the question — Shall the bill pass notwithstanding the Governor's veto?

Vote taken with the following result:

Ayes — Corry, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Weed and Mr. Speaker—9.

Nays — Daems, Hanna and Smith—3.

Absent — LaFontaine — 1.

Bill receiving a two-thirds vote, was declared passed.

C. B. No. 9, read with the Governor's veto.

On motion of Maxwell, the vote on C. B. No. 9 was reconsidered.

The Chair announced the question — Shall the bill pass notwithstanding the Governor's veto?

Vote taken with the following result:

Ayes — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, and Weed—10.

Nays—Smith and Mr. Speaker—2.

Absent—LaFontaine—1.

Bill having received a two-thirds vote was declared passed.

A communication was received from the Governor announcing that he had signed joint-resolution No. 6.

A petition, presented by Parrott, from the citizens of Virginia city in regard to the seizure of goods by the revenue collectors, was read, and, on motion of Mayhew, referred to a select committee.

The chair appointed Mayhew, Parrott and Mimms.

On motion the House adjourned to 2 o'clock p. m.

AFTERNOON SESSION.

House met pursuant to adjournment, with Mr. Speaker in the Chair.

Roll called. Present — Corry, Hanna, Maxwell McCullough, Mimms, Parrott, Rice, Smith Weed and Mr. Speaker — 10.

Absent — Daems, LaFontaine, and McElroy—3.

On motion of Maxwell 250 copies of the commissioners' report on the Treasurer and Auditor's account, were ordered printed for the use of the House.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment have examined H. B. No. 33, and find the same correctly engrossed.

A. J. SMITH, Chairman.

On motion of Parrott, the rules were suspended, H. B. No. 33 read 3d time by its title and put to final passage.

Ayes — Hanna, Maxwell, McElroy, Mimms, Parrott, Smith, Weed and Mr. Speaker—8.

Nays — Corry, McCullough, and Rice — 3.

Absent — Daems and LaFontaine — 2.

Bill passed and title agreed to.

House went into Committee of the Whole.

House resumed.

McCullough gave notice that on to-morrow he would introduce a bill authorizing W. M. Conch to establish and maintain a toll-road.

Maxwell, chairman of committee on Ways and Means, reported:

Mr. Speaker: Your committee on Ways and Means, to whom was referred H. B. No. 26 and C. B. No. 66, respectfully beg leave to recommend that said bill be referred to Committee of the Whole.

A. S. MAXWELL, Chairman.

Report received and adopted.

Smith, chairman of Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole, having had under consideration H. B. No. 49, and C. B. No. 59, beg leave to recommend the same back to the House, with the amendments, to be made the special order of Friday afternoon at 2 o'clock p. m.

A. J. SMITH, Chairman.

On motion of Parrott, the report was received and adopted.

Smith further reported:

Mr. Speaker: Your Committee of the Whole recommend to the House that a committee of three be appointed to investigate the report of the Territorial Treasurer and Auditor.

A. J. SMITH, Chairman.

Report adopted.

The Speaker appointed as such committee, Parrott, Maxwell and McCullough.

On motion of Parrott, the Speaker was added to the committee.

On motion of Parrott, the House adjourned till 7 o'clock p. m.

EVENING SESSION.

House met pursuant to adjournment with Speaker in the Chair.

Roll called. Present — Corry, Daems, Hanna, Mimms, Smith, Weed and Mr. Speaker — 7.

Absent — LaFontaine, Maxwell, McCullough, Parrott, Rice and Smith — 6.

The Speaker called Smith to the Chair, and introduced joint-resolution No. 13. Read 1st and 2d times.

Smith offered the following amendment:

After section 4 add the following:

Resolved, That we welcome to our young and promising Territory, Major-General Thomas Francis Meagher, as a citizen and as a civil officer; but, more than all as a soldier, who fought gallantly and eminently against a treason that sought, without justice or cause, to overthrow a benificient Government, founded upon equal rights and exact justice to all. Now, after peace is restored, we hail in our victory, a chief who has just sheathed a sword that drips with the blood of the enemies of the American Union.

Change section 5 to section 6.

On motion of Weed to adopt, the ayes and nays were called.

Ayes—Parrott, Smith, and Weed — 3.

Nays—Corry Daems, Hanna, Mimms, and Mr. Speaker—5.

Absent—LaFontaine, Maxwell, McCullough, McElroy, and Rice — 5.

Amendment lost.

Maxwell made a minority report on C. B. No. 55, which was laid on the table.

On motion of Mayhew, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

TWENTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Thursday, April 5th, 1866.

House called to order at the usual hour by Mr. Speaker.

Roll called. Present—Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, and Mr. Speaker—7.

Absent—Corry, Daems, Hanna, LaFontaine, Smith and Weed — 6.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Daems, chairman of select committee on C. B. No. 65, reported:

Mr. Speaker: Your committee, to whom was referred C. B. No. 65, have had the same under consideration and recommend its passage, with the following amendments, to wit:

In section 2d, line 7th, after the word, "mayor," insert the words "for the city;" and in line 12th, same section, after the word "mayor," insert "for the city."

Strike out all of section 5.

L. DAEMS, Chairman.

On motion of Maxwell, the report was received and committee discharged.

McCullough, pursuant to notice, introduced H. B. No. 50, "An Act to authorize W. M. Conch to establish and maintain a toll-road."

Read 1st and 2d times, and rules suspended on motion of Smith, bill read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—12.

Nays—None.

Absent—LaFontaine—1.

Bill passed and title agreed to.

Rice, with permission of the House, introduced H. B. No. 51, "An Act to tax the Chinese population of Montana Territory."

Read 1st and 2d times, and referred to committee on Judiciary.

A communication was received from the Council announcing the passage of C. B. No. 20, and C. B. No. 63 over the Governor's veto, and that the Council refuse to concur with the House amendments to section 21 of C. B. No. 1.

On motion of Mimms, the vote on Smith's amendments to joint-resolution No. 13 was reconsidered.

The Speaker called Mimms to the Chair.

Parrott offered the following amendments to the amendments:

Strike out all between the words "eminently," in the 6th line, and the word "now," in the 10th line, and insert the following: "In defense of his country." Also, strike out all after the word "has," in the 11th line, and insert in lieu thereof, "just claims to the respect and esteem of his fellow citizens."

On motion to adopt, the ayes and nays were called.

Ayes—Daems, Hanna, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—8.

Nays—Corry, Maxwell, McCullough and McElroy—4.

Absent—LaFontaine—1.

Amendment adopted.

On motion to adopt the amendment as amended, the ayes and nays were called.

Ayes—Daems, Hanna, Maxwell, McElroy, Mimms, Parrott, Rice, Smith, and Weed—9.

Nays—Corry, McCullough and Mr. Speaker—3.

Absent—LaFontaine—1.

Motion prevailed.

On motion of Corry, the words "and support," were stricken from the second section.

Corry moved to lay the resolution and amendments on the table.

Ayes and nays called.

Ayes—Corry, Hanna, and McCullough—3.

Nays—Daems, Maxwell, McElroy, Mimms, Rice, Smith, Weed and Mr. Speaker—9.

Absent—LaFontaine—1.

Motion lost.

Maxwell offered the following amendment:

Strike out the 4th resolution, and insert in lieu thereof the following:

4. That we welcome to our young and flourishing Territory, Major-General Thomas Francis Meagher, as a citizen and as a civil officer, but, more than all, as a soldier who fought gallantly for his adopted country, and who, as such, has just claims to the heartiest respect and esteem of his fellow citizens.

Also, strike out the additional resolution.

On motion to adopt, the ayes and nays were called.

Ayes—Hanna, Maxwell, Mimms, Parrott, Smith and Weed—6.

Nays—Corry, Daems, McCullough, Rice and Mr. Speaker—5.

Absent—LaFontaine and McElroy—2.

Amendment adopted.

Maxwell moved to adopt the bill as amended.

On motion of McCullough, the House adjourned to 2 o'clock.

AFTERNOON SESSION.

The Speaker called the House to order at the usual hour.

Roll called. Present—Corry Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed, and Mr. Speaker—11.

Absent—Daems and LaFontaine, —2.

On motion of McCullough, joint-resolution No. 13 was laid on the table for further consideration on Saturday at 2 o'clock p. m.

Mimms made a majority report from the joint-committee on H. B. No. 6.

Mr. Speaker: Your committee, appointed to act in conjunction with the committee appointed by the Council, to consider the amendments on H. B. No. 6, as offered by the Council, beg leave to report that they have met and freely conferred in relation to the same, and have agreed to compromise by substituting "Muscleshell" in lieu of "Vivion," and the boundaries, as stated in the original bill, to remain unchanged.

R. W. MIMMS, Chairman,
J. S. MCCULLOUGH.

On motion of Mimms, the report was adopted and committee discharged.

McCullough made a majority report on H. B. No. 48:

Mr. Speaker: Your committee, to whom was referred H. B. No. 48, have examined the same at length, and respectfully recommend its passage, after being amended as follows:

In section 2d, line 4, after the word "land," insert the words "unless owned by the parties so pasturing." Also, in line 6th, after the word "cows," insert the word "calves."

In section 3, line 3d, after the word "kind," insert the following words: "except as hereinbefore provided." Also, in section 4, line 3d, strike out the following words: "common schools," and insert the following in lieu of the same, "the poor."

A. E. MAYHEW,
J. S. MCCULLOUGH,
Majority report.

Maxwell made a minority report from the same committee:

Mr. Speaker: The undersigned, one of the select committee to whom was referred H. B. No. 48, "An Act to prevent pasturing stock on winter grass lands in Montana Territory," beg leave to submit the following minority report, to wit: That in the opinion of the undersigned, the Legislative Assembly has no power to discriminate as to the occupancy of unoccupied Government lands in this Territory, nor to fix the period of such occupancy.

A. S. MAXWELL,
Minority report.

On motion of Mimms to adopt the minority report, the ayes and nays were called.

Ayes—Hanna, Maxwell, McClroy, Mimms, Rice and Weed—6.
Nays—Corry, Daems, McCullough, Parrott and Speaker—5.
Absent—LaFontaine and Smith—2.
The motion prevailed, and minority report adopted.
H. B. No. 42, read with committee's amendments.
On motion of Maxwell, the amendments, and bill as amended, were adopted and bill ordered engrossed.
Committee's amendments to C. B. No. 65 were read.

On motion of Maxwell the amendments were considered separately, which being done, the amendments were adopted, as also the bill as amended.

On motion of Mimms, the rules were suspended, bill read 3d time by its title and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McElroy, McCullough, Mimms, Rice, Weed and Mr. Speaker—10.
Nays—Parrott—1
Absent—LaFontaine and Smith—2.
Bill passed and title agreed to.
C. B. Nos. 20 and 63 read with the Governor's objections.
On motion of McCullough, the vote on C. B. No. 20 was reconsidered, and the question put as to whether bill should pass notwithstanding the Governor's veto.

Ayes—Hanna, McCullough, Mimms, Weed and Speaker—5.
Nays—Corry, Daems, Maxwell, McElroy, Parrott and Rice—6.
Absent—LaFontaine and Smith—2.
Bill failing to get a two-thirds vote was lost.

On motion of McCullough, the vote on C. B. No. 63, was reconsidered, and the question was taken as to whether the bill should pass over the Governor's veto.

Ayes—Hanna, McCullough, Mimms, Rice, Weed and Speaker—6
Nays—Corry, Daems, Maxwell, McElroy and Parrott—5.
Absent—LaFontaine and Smith—2.
Bill failing to get a two-thirds vote, was lost.

Council substitute to H. B. No. 23 read and referred to committee on Judiciary.

On motion of Maxwell, the House receded from its amendmets to section 21 of C. B. No. 1.

On motion of Mimms, the House went into Committee of the Whole, on the license bill.

House resumed.

Mimms, chairman of Committee of the Whole, reported:

Mr. Speaker: Your Committee of the Whole, to whom was referred H. B. No 26, and C. B. No. 66, beg leave to report the same back to the House with the following recommendations: That the House appoint a select committee of three to draft a new license law on the tariff of prices, 20 per cent. less than those of last year.

R. W. Mimms, Chairman.

On motion of Maxwell, the report was received and adopted.

The Speaker appointed as such committee to draft a license law, Parrott, McCullough and Hanna.

On motion of Mimms, C. B. No. 51 was taken from the table, and the committee's amendments were adopted.

Maxwell offered the following amendments, which were adopted:

Section 3, line 3d, after the word "charge," insert the words "not to exceed."

On motion of Mimms, the bill was adopted as amended.

On motion of Maxwell, the rules were suspended, bill read 3d time by its title, and put to its final passage.

Ayes—Corry, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Weed and Speaker—9.

Nays—Daems—1.

Excused—Rice—1.

Absent—LaFontaine and Smith—2.

Bill passed and title agreed to.

On motion of McCullough, H. B. No. 25 was taken from the table, and the House concurred in the Council amendments to said bill.

On motion of Maxwell, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

John F. Rucker, Clerk House of Representatives.

TWENTY-EIGHTH DAY.

House of Representatives, Virginia City, M. T., Friday, April 6th, 1866.

House met at the usual hour, with the Speaker in the Chair.

Roll called. Present—Daems, Hanna, Maxwell, McElroy, McCullough, Mimms, Parrott and Speaker—8.

Absent—Corry, LaFontaine, Rice, Smith and Weed—5.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment beg leave to report that they have carefully examined H. B. Nos. 25 and 31, and find the same correctly enrolled.

Geo. H. Hanna, Chairman.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred H. B. No. 51, beg leave to report that they are not clearly of the opinion that the Legislature has the legal right to tax Chinese more than any other persons. They would, therefore, recommend the same back for the consideration of the House.

R. B. Parrott, Chairman.

Parrott reported further from the Judiciary committee:

Mr. Speaker: Your committee on Judiciary, to whom was referred H. B. No. 23, beg leave to report that they have had the same under consideration, and find that it would be more just to provide that said law should take effect

from and after its publication in a newspaper, or in two months or more from its passage. But your committee, believing said law to be of great public importance, and, fearing if said law should be amended in that particular, and sent to the Council at this late day in the session, it might be defeated; they, therefore, recommend that the House concur with the Council amendments.

R. B. PARROTT, Chairman.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment have examined H. B. No. 42, and find the same correctly engrossed.

A. J. SMITH, Chairman.

Report received.

Maxwell made a majority report from select committee on C. B. No. 55.

Mr. Speaker: The majority of your select committee, to whom C. B. No. 55, "An Act creating offices in the Territory of Montana," etc., was referred, respectfully beg leave to report that they have had the same under consideration, and find that, by the Organic Act of this Territory, in the opinion of the majority, the power is not given to the Legislative Assembly to make the office of Territorial Auditor and Treasurer and Superintendent of Public Instruction, elective by the people; and, therefore, recommend to the House that the bill pass, after making the following amendments, to wit:

Strike out in section 1st, lines 4, 5, 6, 7 and 8, down to the word "fourth."

Strike out all of section 3.

Section 11, after the word "of," in the 3d line, strike out the words, "Territorial Treasurer, Auditor, and Superintendent of Public Instruction."

A. S. MAXWELL,
Majority report.

Parrott made a minority report from the same committee:

Mr. Speaker: The undersigned, a minority of your select committee, to whom was referred C. B. No. 55, beg leave to report that he has had the same under consideration, and finds that the Organic Act of the Territory, like the Constitution of a State, is a fundamental law, and an instrument of delegated and prohibitory power, and the Legislature of a Territory, like that of a State, has a right to legislate on all subjects of ordinary legislation not prohibited in said act.

The undersigned has carefully examined the Organic Act of this Territory, and cannot find anything in it that will justify the opinion that the Legislature has no power to create the offices of Territorial Auditor and Treasurer and Superintendent of Public Instruction, or to prohibit the people from electing persons to fill such offices when created. The undersigned would, therefore, respectfully recommend the passage of said bill.

R. B. PARROTT,
Minority report.

On motion of Maxwell, both reports were laid on the table for the present.

McCullough introduced joint-resolution No. 14.

Read 1st and 2d times, and, on motion of Smith, was amended by inserting "the Chaplain shall be allowed —— dollars per day."

On motion of Mimms, the resolution was referred to a select committee.

The Chair appointed as such committee, McCullough, Smith and McElroy.

A communication was received from the Council announcing the passage of Council resolution No. 13, C. B. Nos. 46 and 53, and H. B. No. 50; also, H. B. No. 21 with amendments.

Council resolution No. 13 read 1st and 2d times, and, on motion of Mimms, the rules were suspended, resolution read 3d time and placed on its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker—11.

Nays—McCullough—1.

Absent—LaFontaine—1.

Resolution passed.

C. B. No. 46, "An Act to incorporate the Prickly Pear and Missouri river ferry company."

Read first and 2d times, and referred, on motion, to a select committee.
The Speaker appointed as such, Mimms, McCullough and Maxwell.
C. B. No. 53, "An Act to establish a ferry or bridge on the Missouri river."
Read 1st and 2d times, and, on motion, referred to select committee.
The Speaker appointed as such, Maxwell, Smith and Weed.
C. B. No. 42, "An act to repeal 'An Act in relation to trout fishing.' "
Read 3d time and put to its final passage.
Ayes—Corry, Maxwell, McCullough, Parrott, Rice and Speaker—6.
Nays—Daems, Hamna, Mimms, Smith, and Weed—5.
Absent—LaFontaine and McElroy—2.
Bill passed and title agreed to.

The following communication from the Governor was read and, on motion of Smith, ordered spread on the journal:

EXECUTIVE OFFICE, VIRGINIA CITY, M. T., April 6th, 1866.

To the Speaker of the House of Representatives:

SIR—I learned last evening, that my military services in the Union army, unimportant as they have been, are under discussion in the House of Representatives, with a view of having them honorably acknowledged there with candid thanks. Sincerely desirous that the public time should be exclusively devoted by the Legislature, now in session, to the consideration of the interests of the Territory, and the passage of such encouragements and safeguards as they immediately require, I respectfully entreat that the House will withhold its courtesy and good feeling toward me in favor of the weightier subjects that demand its attention.

The labors of the Legislature, which have been as sensible and beneficent as they have been arduous and unremitting, drawing, as they now are, to a close, renders, I conceive, this request of mine all the more reasonable, opportune and forcible. I beg, moreover, to assure the House, whatever recognition it is thought that my services in the field are entitled to receive, should be in justice rendered in an undivided measure to the officers and men it was my splendid good fortune to command. Whatever name I bear as a citizen-soldier in the cause and history of the Republic, has been bestowed upon me by the brilliant conduct of the brigade that has, with an unrefutable record, manifested the gratitude and loyalty of Ireland to America. Even had my services in the camp and in the field been far more important that it was in my power to render them, I should consider myself already more than fully rewarded for what they were worth, or what they cost me—not speaking of the vote of thanks passed me by the municipal council of the greatest city of the Union, the complimentary addresses and other testimonials presented me by many of its most influential and noted citizens, the flattering notices that have, in various attractive quarters, given me, in connection with the war, an undue distinction—it is my priceless privilege to carry with me in a golden gift of rare value, the confidence and friendship of the officers who served with me, and, what I still more desire, the fervent affections conveyed in honest and familiar letters of many an humble soldier who fought beside me.

These, permit me to say, sir, are acknowledgments and rewards sufficiently generous for me for any military services of mine, and more—infinitely more—than I have merited.

Sincerely thanking the Representatives for the honor they propose to do me, believe me to remain,

Most truly yours,

THOMAS FRANCIS MEAGHER,
Acting-Gov. Montana Territory.

McCullough, chairman of select committee, reported:

Mr. Speaker: Your select committee, to whom was referred joint-resolution No. 14, have examined the same, and recommend its passage, after being amended as follows: Add to the resolution the following: "From the 26th day of March, 1866."

J. S. MCCULLOUGH, Chairman.

On motion of Mimms, the report was received and committee discharged.

On motion of Maxwell, the resolutions were referred to select committee to fill the blanks.

The Speaker appointed as such, McCullough, Maxwell and Mimms.

On motion of Mimms, the House adjourned to 2 o'clock.

AFTERNOON SESSION.

House met pursuant to adjournment.

Roll called. Present—Corry, Daems, Hanna, McElroy, Mimms, Parrott, Rice and Smith—8.

Absent—LaFontaine, Maxwell, McCllough, Weed and Speaker—5.

Mimms asked permission and introduce H. B. No. 52, "An Act to amend 'An Act concerning weights and measures.'"

Read 1st and 2d times, and, on motion of Mimms, the rules were suspended, bill read 3d time by its title and put to its final passage.

Ayes—Daems, Hanna, McCullough, McElroy, Mimms, Parrott, Rice, Weed, Smith and Mr. Speaker—10.

Nays—Corry—1.

Absent—LaFontaine and Maxwell—2.

Bill passed and title agreed to.

Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment beg leave to report that they have carefully examined H. B. No. 50, and find the same correctly enrolled.

GEO. H. HANNA, Chairman.

House went into Committee of the Whole on C. B. 59, and H. B. No. 49.

House resumed.

McElroy, with permission, introduced H. B. No. 53, "An Act to amend an act entitled 'An Act securing liens to mechanics and others.'"

Read 1st and 2d times, and, on motion of Parrott, rules suspended, bill read 3d time by its title, and put to its final passage.

Ayes—Corry, Daems, Hanna, McCullough, McElroy, Mimms, Parrott, Rice and Speaker—10.

Nays—None.

Absent—LaFontaine, Maxwell and Weed—3.

Bill passed and title agreed to.

House went into Committee of the Whole.

House resumed in the evening.

Communications were received from the Governor announcing his approval of H. B. Nos. 25, 31 and 50.

By unanimous consent, H. B. No. 48 was taken from the table.

On motion, the majority report, and the bill as amended, were adopted.

Rules suspended and bill considered engrossed.

Read 3d time by its title and put to its final passage.

Ayes—Corry, Daems, Hanna, McCullough, Mimms, Parrott, Weed and Speaker—8.

Nays—None.

Absent—LaFontaine, Maxwell, McElroy, Rice and Smith—5.

Bill passed and title agreed to.

McCullough, with permission of the House, introduced C. B. No. 54, "An Act to provide for the compensation of J. M. Castner for office rent and fuel furnished the Territorial Treasurer of Montana Territory."

Read 1st and 2d times, and referred to committee of Ways and Means.

On motion of Parrott, the communication of John S. Lott was referred to committee on Treasurer and Auditor's accouut.

On motion of Weed, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Saturday, April 7th, 1866.

House called to order at the usual hour by Mr. Speaker.

Roll called. Present—Corry, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed and Mr. Speaker—9.

Absent— Daems, Hanna, LaFontaine and McElroy—4.

Journal of yesterday read and approved.

Maxwell reported from committee of Ways and Means:

Mr. Speaker: Your committee on Ways and Means, to whom was referred H. B. No. 54, "An Act to provide for the compensation of J. M. Castner & Co. for office rent and fuel furnished to Territorial Treasurer of Montan Territory," respectfully beg leave to report that they have had the same under careful consideration, and recommend that the same pass the House.

A. S. MAXWELL, Chairman.

Report received.

Maxwell, chairman of select committee on joint-resolution No. 14, reported:

Mr. Speaker: Your select committee on J. R. No. 14, respectfully beg leave to report that they have had the same under consideration, and recommend that the blanks be filled as follows, to wit: 1st blank eight dollars; 2d blank, six dollars; 3d blank six dollars. After the word "keeper," in the 10th line, insert for the Council, 4th blank, ten dollars; 5th blank, 3 dollars.

Add to the resolution the following: "That the Chaplain for the House be allowed three dollars per day from the commencement of the session."

A. S. MAXWELL, Chairman.

On motion of McCullough, the report was adopted and committee discharged.

Maxwell, chairman of select committee on C. B. No. 53, reported:

Mr. Speaker: Your committee, to whom was referred C. B. No. 53, "An Act to establish a bridge or ferry on the Missouri river," respectfully beg leave to report that they have had the same under consideration, and recommend the same to the favorable consideration of the House.

A. S. MAXWELL, Chairman.

On motion, the report was adopted and the committee discharged.

Mimms, chairman of the Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole, to whom was referred C. B. No. 59, have had the same under consideration, with the amendments reported by the committee of Ways and Means, and report the same back with amendments, and recommend that the bill be laid on the table for further action; as, also, H. B. No. 49, and recommend that it be laid on the table for further action. All of which is respectfully submitted.

R. W. MIMMS, Chairman
Committee of the Whole.

On motion of McCullough, the report was adopted.

Corry, chairman of Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole on C. B. No. 56, beg leave to report that they recommend the adoption of the same by the House, with the following amendments:

In section 5, line 8th, strike out "one half," and insert "a majority."

In section 41, line 2d, strike out "eleven," and insert "three;" also, in the same section, after the word "way," in the 4th line, insert "provided, that all the quartz ore and minerals taken from the said tunnel, from leads, lodes or ledges, belonging to parties other than the said tunnel company, be deposited on the surface by the said tunnel company, and shall belong to the person, or persons, owning the claim, or claims, through which the same may pass."

Change section 50 to 51, and insert as section 50, "That the Legislative Assembly shall have the power of altering, modifying or amending, any rights under the provisions of this act." All of which is respectfully submitted.

A. V. CORRY, Chairman,
Committee of the Whole.

On motion of Weed, the report was adopted.

The Speaker introduced joint-resolution No. 15.

Read 1st and 2d times, and on motion of Maxwell, the rules were suspended, resolution read 3d time and put to its final passage.

Ayes—Corry, Daems, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed and Speaker—10.

Nays—None

Absent—Hanna, LaFontaine and McElroy—3.

Resolution passed.

The following communication from the Governor was read and, on motion of Maxwell, ordered to be spread upon the journal:

EXECUTIVE OFFICE, VIRGINIA CITY, M. T., April 7th, 1866.

To the Speaker of the House of Representatives:

SIR—I have the honor of transmitting to you, for the information of the House, the accompanying communication, received at this office this morning from the Commissioner of Indian Affairs, and have the honor to be,

Very truly your obedient servant,

THOMAS FRANCIS MEAGHER,

(copy) Acting-Governor.

DEP'T. OF THE INTERIOR, OFFICE INDIAN AFFAIRS, WASHINGTON, D. C., February 20th, 1866.

TO ACTING-GOVERNOR THOMAS FRANCIS MEAGHER—SIR: I am in receipt of your letter of the 24th ult., giving certain reasons why it is better for the agent for the Flathead Indians to report through your office than through the Idaho superintendency.

The change of this agency from your superintendency to that of Idaho, was made in my absence. I find nothing in the office going to show why it was done; and, as it is clear that Virginia city is more accessible to the agency than Boise city, I have determined to restore the agency to your charge. You will, therefore, direct agent Augustus H. Chapman, at the Flathead Agency, to report to this office through you.

Very respectfully, your obedient servant,

D. N. COOLLY, Commissioner Indian Affairs.

A communication was received from the Council announcing the passage of C. B. No. 7, with amendments.

On motion of Mimms, C. B. No. 55 was taken from the table.

The Speaker called Mimms to the Chair.

On motion of Corry, the majority report was adopted.

On motion of Parrott, the rules were suspended, the bill read 3d time by its title and put to its final passage.

Ayes—Corry, Daems, Hanna, Mimms, Parrott, Rice, Weed and Speaker—8.

Nays—Maxwell and McCullough—2.

Absent—McElroy, LaFontaine and Smith—3.

Bill passed and title agreed to.

C. B. No 53, "An Act to establish a ferry or bridge over the Missouri river."

Read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, Mimms, Rice, Smith, Weed and Speaker—9.

Nays—McCullough—1.

Excused—Parrott—1.

Absent—LaFontaine and McElroy—2.

Bill passed and title agreed to.

C. B. No. 56 read with report of Committee of the Whole.

On motion of Mayhew, the amendments, and bill as amended, were adopted.

On motion of McCullough, the rules were suspended, bill read 3d time by its title and put to its final passage.

Ayes—Corry, Maxwell, McCullough, Mimms, Parrott, Weed and Speaker—8.

Nays—Daems, Hanna, Rice and Smith—4.

Absent—LaFontaine and McElroy—2.

Bill passed and title agreed to.

McCullough made a motion to adjourn, but the motion was lost.

Joint-resolution No. 14 read with committee's amendments.

On motion of McCullough, the amendments, and resolution as amended, were adopted.

On motion of Mayhew to suspend the rules, the ayes and nays were called.

Ayes — Corry, Daems, Maxwell, McCullough, Mimms, Parrott and Rice — 7.

Nays — Hanna, Smith, Weed and Speaker — 4.

Absent — LaFontaine and McElroy — 2.

The motion, failing to get a two-thirds vote, was lost.

On motion of Smith, the House adjourned to 2 o'clock, p m.

AFTERNOON SESSION.

The Speaker called the House to order at the usual hour.

Roll called. Present — Corry, Daems, Maxwell, McCullough, Mimms, Parrott, Rice, and Speaker — 8.

Absent — Hanna, LaFontaine, McElroy, Smith, and Weed — 5.

H. B. No. 54, read 3d time and put to its final passage.

Ayes — Maxwell, McCullough, Rice, Smith and Weed — 5.

Nays — Corry, Hanna, Parrott, and Speaker — 4.

Absent — Daems, LaFontaine and McElroy — 3.

Bill lost.

C. B. No. 51, read 3d time and placed on its final passage.

Ayes — Corry, Hanna, McCullough, Mimms, Parrott, Rice, Weed and Speaker — 8.

Nays — Maxwell and Smith, — 2.

Absent — Daems, LaFontaine and McElroy — 3.

Bill passed, and title agreed to.

Mimms, chairman of select committee on C. B. No. 46, reported:

Mr. Speaker: Your committee, to whom was referred C. B. No. 46, have had the same under consideration, and beg leave to report the same back without amendments, and recommend that it pass.

R. W. MIMMS, Chairman.

Smith, chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment have examined joint-resolution No. 14, and find the same correctly engrossed.

A. J. SMITH, Chairman.

Joint-resolution No. 14 read for information.

Smith offered the following amendments: Strike out "eight," in the 4th line, and insert "ten." Strike out "six," in the 6th line, and insert "eight."

On motion of McCullough, the amendments were adopted, and the resolution, as amended, also adopted.

Resolution read 3d time and put to its final passage.

Ayes — Hanna, McCullough, Maxwell, Mimms, Parrott, Rice, Smith, Weed, and Speaker — 9.

Nays — Corry — 1.

Absent — Daems, LaFontaine and McElroy — 3.

Resolution passed.

On motion of Mimms, the House concurred in the Council amendments to H. B. No. 23.

Parrott, chairman of select committee, reported:

Mr. Speaker: Your select committee, to whom was referred C. B. No. 66, with instructions to report the same back with amendments so as to reduce the license law, heretofore in force, twenty-five per cent., beg leave to report that they have performed that duty to the best of their ability, and would respectfully recommend that all after the enacting clause in said bill be stricken out, and the following be inserted in lieu thereof.

Your committee would respectfully recommend that said bill be so amended as to prohibit the collection of more than one license from persons bringing provisions into the Territory, whether the same be sold by wholesale or retail.

Your committee are of the opinion that other reductions should be made in said bill.

R. B. PARROTT, Chairman.

Bill as reported by the committee read for information.

On motion of Maxwell, the following amendments were adopted:

Section 1st, line 1st, add "per quarter," at the end of the line.

Section 5th, line 21, after "between," insert "twenty and."

On motion of Mimms, the House went into Committee of the Whole on the bill.

House resumed.

McCullough, chairman of Committee of the Whole reported:

Mr. Speaker: The Committee of the Whole recommend the passage of the license bill with the following amendments:

Section 1, line 3d, after "table," insert "for public use."

Section 1st, line 8th, strike out "dance houses, hurdy-gurdy houses."

Section 1st, line 12th, after "performances," add "and all dance houses, or hurdy-gurdy houses, shall pay five dollars per day, or fifty dollars per month."

Section 5th, line 58th, strike out "twenty-four," and insert "fifteen."

Section 5th, line 59th, strike out "or," and insert, "and fifty cents per head for each head of."

Section 6th, line 9th, strike out "incorporated."

Section 7th, last line, add, "Provided further: That when any person bringing freight, provisions, or merchandise, into this Territory, shall have paid his license in accordance with the last mentioned license, on wagons, in this section, he shall have the right to wholesale or retail at pleasure."

Section 7th, line 14th, strike out "eight," and insert "five."

Section 7th, line 21st, strike out "one," and insert "one-half."

Add as sections 12, 13 and 14, sections 6, 7 and 8, of C. B. No. 66.

Change section 12 to section 15, 13 to 16, 14 to 17, 15 to 18, 16 to 19, 17 to 20.

Add to section 19 (old section 16), "and all acts, and parts of acts, inconsistent with the provisions of this, be and the same are hereby repealed."

J. S. McCullough, Chairman.

Report received.

On motion of Maxwell, the amendments proposed by the Committee of the Whole were adopted, and bill as amended adopted.

On motion of Parrott, the House concurred in the Council amendments to H. B. No. 21.

The Speaker, in accordance with the request of the Council, appointed Daems, Hanna and Rice as a conference committee on C. B. No. 65.

On motion of Maxwell, H. B. No. 49 was taken up.

Maxwell offered the following amendments:

Section 6. The Territorial Auditor is hereby authorized to issue warrants for the necessary expenses of printing, and of procuring the bonds required by this act.

Change section 6 to section 7.

On motion of McCullough, the amendments were adopted.

On motion of Maxwell the blank in section 1st was filled with "January 1st, 1866."

On motion of Maxwell to add to the 1st section "or its equivalent in value," the ayes and nays were called.

Ayes — Hanna, Maxwell, McCullough and Mimms — 4.

Nays — Corry, Parrott, Rice, Smith, Weed and Speaker — 6.

Absent — Daems, LaFontaine and McElroy — 3.

Amendment lost.

On motion of Smith to strike out "in gold coin," the ayes and nays were called.

Ayes — Corry, Hanna Parrott, Rice, Smith and Weed — 6.

Nays — Maxwell, McCullough, Mimms and Speaker — 4.

Absent — Daems, LaFontaine and McElroy — 3.

Amendment carried.

On motion of Mimms, the rules were suspended, bill considered engrossed, read 3d time and put to its final passage.

Ayes — Corry, Hanna, McCullough, Mimms, Smith and Weed — 6.

Nays — Maxwell, Parrott, Rice, and Speaker — 4.

Prayer by the Chaplain.

Saturday's Journal read and approved.

House resolution No. 13, and Council resolution No. 15, read for information.

On motion of McCullough, Council resolution No. 15 was read 3d time and put to its final passage.

Ayes — Corry, Daems, Hanna, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker — 11.

Nays — Maxwell — 1.

Absent — LaFontaine — 1.

Resolution passed.

The Speaker introduced House resolution No. 13.

Hanna, of the Enrollment committee, reported H. B. Nos. 23 and 52, and joint-resolution No. 14 correctly enrolled.

McCullough, chairman of committee on Public Lands, reported:

Mr. Speaker: Your committee on Public Lands, to whom was referred H. B. No. 35, together with the substitute offered by the Council, find that by said substitute all persons owning lands would be compelled to occupy and improve said claims without cessation, which would render void the existing rights of a majority of the occupants of the public domain, and would prevent the easy settlement of the same; therefore, your committee would respectfully recommend the preservation and protection of all existing rights by the passage of H. B. No. 35 intact.

J. S. McCullough, Chairman.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: Your committee on Incorporations, to whom was referred C. B. No. 12, have examined the same and recommend its passage, after inserting the repealing clause.

J. S. McCullough, Chairman.

Report received.

Maxwell, chairman of select committee on C. B. No. 73, reported:

Mr. Speaker: Your committee, to whom was referred C. B. No. 73, "An Act defining the manner of assessing damages caused by corporations, roads, ditches, flumes and other companies," respectfully beg leave to report that they have had the same under consideration, and find that, in their opinion, it is a dangerous precedent to adopt — the taking of private property from one party and conferring it upon another private party by force of law, as this act does by its terms. Your committee are further of the opinion that the general incorporation act gives ample and all necessary powers to such corporations and companies for all legitimate purposes. Your committee, therefore, recommend that the bill do not pass.

A. S. Maxwell, Chairman.

On motion of Mimms, the report was received and committee discharged.

Daems, chairman of conference committee on C. B. No. 65, reported:

Mr. Speaker: Your committee, appointed to confer with a like committee on C. B. No. 65, beg leave to report that the two committees concur in the amendments of the House, with the exceptions to the amendments to section 5. Section 5th be so amended as to read in line 8th, after the word "than," strike out "four," and insert "six."

L. Daems, Chairman.

On motion of Maxwell, the report was received and committee discharged.

On motion of Parrott, the vote on House resolution No. 15 was reconsidered.

On motion of Maxwell, the clerk of the House was sent to the Council for House resolution No. 15.

A communication was received from the Council announcing that, according to the report of the conference committee on H. B. No. 6, they have agreed to strike out "Vivion," and insert "Muscleshell" to the name of the new county, and had receded from their amendments in regard to the boundary lines of said county.

In accordance with the report, H. B. No. 6 was ordered engrossed.

On motion of McCullough to lay C. B. No. 73 upon the table indefinitely, the ayes and nays were called.

Ayes — Corry, Daems, Hanna, McCullough, Maxwell, McElroy, Mimms, Parrott, Rice and Weed — 10.

Nays — Speaker — 1.

Absent — LaFontaine and Smith — 2.

Motion prevailed.

On motion of Maxwell, the amendments to C. B. No. 65, as agreed upon by the conference committe, were adopted, and bill as amended adopted, and bill returned to the Council.

McCullough called up C. B. No. 72.

Read with committees amendment's for information.

On motion of Maxwell, the amendments, and bill as amended, were adopted.

The clerk announced, through the Speaker, that the Council refused to return House resolution No. 15 to the House.

Maxwell moved to reconsider the vote on said resolution, but withdrew his motion.

C. B. No 72 read 3d time and put to its final passage.

Ayes — Daems, Maxwell, McCullough, McElroy, Rice and Weed — 6.

Nays — Corry, Hanna, Mimms, Parrott, Smith and Speaker — 6.

Absent — LaFontaine — 1.

Bill lost.

On motion of Maxwell, the clerk was instructed to forthwith inform the Council of the reconsideration of the vote on H. R. No. 15.

Mimms gave notice that on to-morrow he would introduce "An Act to amend an act entitled 'An Act locating the seat of government in and for the Territory of Montana.'"

Maxwell, with permission of the House, introduced H. B. No. 55, "An Act in regard to publications of court and legal notices in the newspapers of Montana."

Read 1st and 2d times, and, on motion of Maxwell, the rules were suspended, bill read 3d time and put to its final passage.

Ayes — Daems, Hanna, Maxwell, McCullough, McElroy Mimms, Parrott, Rice, Smith, Weed and Speaker — 11.

Nays — Corry — 1.

Absent — LaFontaine — 1.

Bill passed and title agreed to.

On motion of McCullough, H. B. No. 35, with Council amendments, were laid on the table for further consideration.

C. B. No. 62, "An act to incorporate the Montana and Pacific wagon road and telegraph company."

Read 1st and 2d times, and referred to committee on Incorporations.

Smith, chairman of committee on Engrossment, reported C. B. No. 66 (substitute) correctly engrossed.

Maxwell offered the following resolution:

Resolved, That the clerk be instructed to respectfully request the Council to inform the House of the history of C. B. No. 23 in the Council.

On motion of Parrott, the resolution was adopted.

On motion of McCullough, the House adjourned to 2 o'clock p. m.

AFTERNOON SESSION.

The Speaker called the House to order at the usual hour.

Roll called. Present — Hanna, Maxwell, McElroy, Mimms, Parrott, Rice, Weed and Speaker — 8.

Absent — Corry, Daems, LaFontaine, McCullough and Smith — 5.

On motion of Maxwell, C. B. No. 45, H. B. Nos. 43 and 41, were taken from the table and referred to committee on Incorporations.

On motion of McCullough, the House refused to concur in the Council amendments to H. B. No. 35.

On motion of Maxwell, (House substitute to) C. B. No. 66 was taken up, rules suspended, bill read 3d time by its title, and put to its final passage.

Ayes — Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker — 10.

Nays — None.
Absent — Corry, Daems and LaFontaine — 3.
Bill passed and title agreed to.
A communication was received from the Governor announcing that he had approved and signed H. B. No. 23.
On motion of Smith, the vote on C. B. No. 72 was reconsidered.
A communication was received from the Council announcing the passage of H. B. No. 36 with amendments. Also, that the Council receded from their amendments to C. B. No. 7, and H. B. No. 44.
H. B. No. 36 read with Council amendments.
On motion of Maxwell, the House went into Committee of the Whole on H. B. No. 36.
House resumed.
A communication was received from the Council announcing that H. B. No. 33 was lost on its final passage.
McCullough introduced joint-resolution No. 16.
Read 1st and 2d times, and, on motion, the rules were suspended, resolution read 3d time and put to its final passage.
Ayes — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker — 12.
Nays — None.
Absent — LaFontaine — 1.
Mimms, chairman of Committee of the Whole, reported:
Mr. Speaker: The Committee of the whole, to Whom was referred H. B. No 36, with Council substitute, have had the same under consideration and report the same back, and recommend the concurrence of the House to the first two amendments offered by the Council, and that the House do not concur in the other amendments made by the Council.

R. W. Mimms, Chairman.

Report received.
Smith offered the following amendments to C. B. No. 72:
Strike out all between the word "road," and the word "and" in the 2d sec.
Between the word "gate," and the word "and," in the 18th line of the 2d section, insert the following, to wit: "Between the Stinkingwater and the crossing of the Jefferson river at the Crawford bridge."
On motion of McCullough, the amendments, and bill as amended, were adopted.
On motion of Smith, the rules were suspended, bill read 3d time by its title and put to its final passage.
Ayes—Daems, Hanna, Maxwell, McCullough, McElroy, Parrott, Rice, Smith, Weed and Speaker — 10.
Nays — Corry and Mimms — 2.
Absent — LaFontaine — 1.
Bill passed and title agreed to.
McCullough, chairman of committee on Incorporations, reported:
Mr. Speaker: Your committee on Incorporations have examined C. B. No. 45, and recommend its passage after being amended as follows:
In section 3d, line 2d, strike out the word "eight," and insert in lieu of the same, "three." Also, in line 7th, same section, strike out the word "ten," and insert in lieu of the same, "five."
In section 8th, line 3d, strike out "all," and insert "any."
In the same section, after the word "to," in line 9th, strike out all the remainder of the section, and insert the following: "to modify, amend or repeal this act at any future session."

J. S. McCullough, Chairman.

On motion of Smith, the report and amendments were adopted.
On motion of Smith, the rules were suspended, C. B. No. 45 read 3d time by its title and put to its final passage.
Ayes — Daems, Hanna, Maxwell, McElroy, Rice, Smith and Weed — 7.
Nays — Corry, McCullough, Mimms, Parrot and Speaker — 5.
Absent — LaFontaine — 1.

Bill passed and title agreed to.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: Your committee on Incorporations, to whom was referred C. B. No. 62, beg leave to report the same back without amendments.

J. S. McCULLOUGH, Chairman.

C. B. No. 62 read for information.

On motion of Corry, the bill was amended by striking out all that part relating to the telegraph.

On motion of Smith to lay the bill and amendments on the table, the ayes and nays were called.

Ayes—Maxwell, McCullough, McElroy, Mimms, Smith and Weed—6.

Nays—Corry, Daems, Hanna, Parrott, Rice and Speaker—6.

Absent—LaFontaine—1.

Motion lost.

On motion of Daems, the rules were suspended, bill read 3d time and put to its final passage.

Ayes—Daems, Hanna, McCullough and Smith—4.

Nays—Corry, Maxwell, McElroy, Mimms, Parrott, Rice, Weed and Speaker—8.

Absent—LaFontaine—1.

Bill lost.

On motion of Parrott, the vote on C. B. No. 70 was reconsidered.

Parrott offered the following amendments:

Strike out all of the 1st section, and insert the following in lieu thereof:

Section 1st. Any person heretofore lawfully married, shall have the right to a divorce from the bonds of matrimony in any court of competent jurisdiction without previous notice: Provided, That it shall be made to appear upon the trial, by satisfactory legal evidence, that the person against whom the divorce is sought, had deserted the person so claiming the divorce, without just or a reasonable cause, and continued such desertion, without a knowledge on the part of the applicant of the whereabouts of the person against whom the divorce is sought, for the term of "five" years previous to such application.

On motion of Smith, the amendments, and bill as amended, were adopted.

On motion of Mimms, the rules were suspended, bill read 3d time by its title, and put upon its final passage.

Ayes—Daems, Hanna, McCullough, Mimms, Parrott, Rice, Smith, Weed and Speaker—9.

Nays—Corry, Maxwell and McElroy—3.

Absent—LaFontaine—1.

Bill passed and title agreed to.

A Communication was received from the Governor, announcing his approval of H. B. No. 52; also, the following:

EXECUTIVE OFFICE, MONTANA TERRITORY,
VIRGINIA CITY, April 9th, 1866.

To the Speaker of the House of Representatives:

SIR: I disapprove of House joint-resolution No. 14, giving extra compensation to the officers of the second session of the Legislature of Montana Territory, because it does not set forth whether the compensation shall be paid from the Generrl Government or from the Territorial Treasury.

I have the honor to be, your obedient servant,

THOMAS FRANCIS MEAGHER,
Acting-Governor, M. T.

On motion of Maxwell, the vote on House resolution No. 14 was reconsidered.

The vote was then taken wheter the resolution should pass notwithstanding the Governor's veto.

Ayes—None.

Nays—Corry, Daems, McCullough, Maxwell, McElroy, Mimms, Parrott, Rice, Weed and Speaker—10.

Absent—Hanna, LaFontaine and Smith—3.

Absent — Daems, LaFontaine and McElroy — 3.
Bill passed and title agreed to.
C. B. No. 59 read with amendments.
On motion of McCullough, the amendments, and bill as amended, were adopted.
On motion, the rules were suspended, bill read 3d time by its title and put to its final passage.
Ayes — Corry, Hanna, McCullough, Mimms, Rice, Smith and Weed — 6
Nays — Maxwell, Parrott and Speaker — 3.
Absent — Daems, LaFontaine and McElroy — 3.
Bill passed and title agreed to.
McCullough called up C. B. No. 7, and moved that the House concur in the Council amendments.
Ayes and nays called.
Ayes -- Smith -- 1
Nays — Corry, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Weed and Speaker — 9.
Absent — Daems, LaFontaine and McElroy — 3.
House refused to concur.
Smith was called to the Chair by the Speaker.
Mayhew called up joint-resolution No. 13.
On motion of Corry to lay it on the table until Monday at 2 o'clock p. m., the ayes and nays were called.
Ayes — Corry, McCullough, Parrott and Rice — 4.
Nays — Hanna, Maxwell, Mimms, Weed, Smith and Speaker — 6.
Absent — Daems, LaFontaine and McElroy — 3.
Motion lost.
On motion of Maxwell, the resolutions were laid on the table for the present.
On motion of Maxwell, the House adjourned to 7 o'clock p. m.

EVENING SESSION.

House met pursuant to adjournment, with Speaker in the Chair.
Roll called. Present — Corry, Maxwell McCullough, Mimms, Parrott and Speaker — 6.
Absent — Daems, Hanna, LaFontaine, McElroy, Rice, Smith and Weed — 7.
C. B. No. 69, "An Act to amend an act entitled 'An Act to regulate the proceedings in civil cases in the courts of Justice in the Territory of Montana.'"
Read 1st and 2d times, and, on motion of Corry, the rules were suspended, bill read 3d time and put to its final passage.
Ayes — Corry, Maxwell, McCullough, McElroy, Mimms, Parrott and Speaker — 7.
Nays — None.
Absent — Daems, Hanna, LaFontaine, Rice, Smith and Weed — 6.
Bill passed and title agreed to.
C. B. No. 68, "An Act to repeal an act entitled 'An Act to incorporate the Madison river ditch company.'"
Read 1st and 2d times, and, on motion of Smith, the rules were suspended, bill read 3d time by its title and put to its final passage.
Ayes — Corry, Daems, McCullough, McElroy, Mimms, Parrott, Rice and Smith — 8.
Nays — Maxwell and Speaker — 2.
Absent — Hanna, LaFontaine and Weed — 3.
Bill passed and title agreed to.
On motion of Parrott for the House to concur in the Council amendments to H. B. No. 44, the ayes and nays were called.
Ayes -- Corry, McCullough, Parrott and Speaker — 4.
Nays — Daems, Maxwell, McElroy, Mimms, Rice and Smith — 6.
Absent — Hanna, LaFontaine and Weed — 3.
House refused to concur.
Communications were received from the Council announcing the passage of C. B. No. 72, J. R. Nos. 14 and 15, H. B. No. 52, C. B. Nos. 62 and 69, J. R. No. 12,

and C. B. No 70; also, the following bills with amendments: H. B. Nos. 3, 7, 44, 5, and joint-resolution Nos. 14 and 12, and H. B. No. 35; also the Council refuse to recede from the amendments to section 5 in C. B. No. 66, and have appointed as a conference committee Spratt and Baggs. Also, that the Council conference committee on H. B. No. 6 were only appointed to fix a name for Vivion county; and that the Council refused to recede from the amendments to the boundary lines of said county.

On motion of Parrott to recede from the amendments to section 50 of C. B. No. 56, the ayes and nays were called.

Ayes—Maxwell, Mimms, Parrott, Smith and Speaker—5.

Nays—Daems, McCullough, McElroy and Rice—4.

Absent—Corry, Hanna, LaFontaine and Weed—4.

House receded.

Maxwell made a report from a select committee:

Mr. Speaker: Your select committee, to whom was referred C. B. No. 25, respectfully beg leave to report that they have had the same under consideration, and find that the act of which this is amendatory has worked great injury to the public generally, and that the general sentiment is adverse to such a law. Your committee, therefore, recommend that said bill be amended as follows: Strike out all after the enacting clause, and insert the accompanying as a substitute therefor.

A. S. MAXWELL, Chairman.

Substitute for C. B. No. 25 read 1st and 2d times, and, on motion of Smith, the rules were suspended, bill read 3d time and put to its final passage.

Ayes—Hanna, Maxwell, Mimms, Parrott and Smith—5.

Nays—Corry, Daems, McCullough, McElroy, Rice and Speaker—6.

Absent—LaFontaine and Weed—2.

Substitute lost.

On motion of McCullough, the original bill, C. B. No. 25, was taken up and read for information.

McCullough offered the following amendments, which were adopted:

In section 2d, line 2d, after the word "shall," insert "break in and."

Parrott offered the following amendment to section 2d:

Provided, That an enclosure in this act shall be construed to mean a fence four and a half feet high, and built with rails, or other substantial and durable material, closely placed together in a good substantial manner, and in good condition.

Ayes and nays called on the adoption.

Ayes—Corry, Maxwell, Mimms, McElroy, Parrott and Smith—6.

Nays—Daems, Hanna, McCullough, and Speaker—4.

Absent—LaFontaine, Rice and Weed—3.

Amendment adopted.

On motion of Daems to lay the bill and amendments on the table indefinitely, the ayes and nays were called.

Ayes—Daems, Hanna, McElroy, Parrott and Smith—5.

Nays—Corry, Maxwell, McCullough, Mimms, and Speaker—5.

Absent—LaFontaine, Rice and Weed—3.

Motion lost.

On motion of Corry, the vote on the substitute to C. B. No. 25 was reconsidered.

On motion of Parrott to adopt the substitute, the ayes and nays were called.

Ayes—Corry, Hanna, Maxwell, McElroy, Mimms, Parrott and Smith—7.

Nays—Daems, McCullough and Speaker—3.

Absent—LaFontaine, Rice and Weed—3.

Substitute adopted.

The Speaker called Smith to the Chair.

Maxwell offered the following amendments, which were adopted:

Amend the title to C. B. No. 25, so as to read as follows: "An Act to repeal an act entitled 'An Act concerning lost goods and estrays.'"

On motion of Parrott, the rules were suspended, bill read 3d time and put to its final passage.

Ayes — Corry, Maxwell, Mimms, McElroy, Parrott, and Smith — 6.
Nays — Daems, Hanna and McCullough — 3.
Absent — LaFontaine Rice, Weed and Speaker — 4.
Substitute passed and title agreed to.

On motion of Parrott to reconsider the vote by which the House receded from their amendments to section 50, of C. B. No. 56, the ayes and nays were called.

Ayes — Corry, McCullough, McElroy, Parrott and Rice — 5.
Nays — Daems, Hanna, Maxwell, Mimms, Smith and Speaker — 6.
Absent — LaFontaine and Weed — 2.
House refused to re-consider.

H. B. No. 5 read with Council amendments.

On motion of Mayhew, to concur with the Council amendments, the ayes and nays were called.

Ayes — McCullough, McElroy, Mimms, Rice, Smith and Speaker — 6.
Nays — Corry, Daems, Hanna, Maxwell and Parrott — 5.
Absent — LaFontaine and Weed — 2.
House concurred.

C. B. No. 70, "An Act to amend an act entitled 'An Act concerning divorces and alimony,'"

Read 1st and 2d times.

McCullough offered to amend by striking out "five years," and inserting "six weeks," which amendment was adopted.

On motion, the rules were suspended, bill read 3d time by its title and placed on its final passage.

Ayes — Corry, Maxwell, McCullough, Rice, Smith and Speaker — 6.
Nays — Daems, Hanna, McElroy, Mimms, and Parrott — 5.
Absent — LaFontaine and Weed — 2.
Bill passed, and title agreed to.

On motion of Mayhew, the vote on C. B. No. 70 was reconsidered.

Bill read again and put to its final passage.

Ayes — McCullough and Speaker — 2.
Nays — Corry, Daems, Hanna, Maxwell, McElroy, Mimms, Parrott, Rice and Smith — 9.
Absent — LaFontaine and Weed — 2.
Bill lost.

C. B. No. 46, "An Act to incorporate the Prickly Pear and Missouri river ferry company."

Read 2d time and put to its final passage.

Ayes — Daems, Hanna, Maxwell, McElroy, Mimms, Parrott, Rice, Smith, and Speaker — 9.
Nays — Corry and McCullough — 2.
Absent — LaFontaine and Weed — 2.
Bill passed and title agreed to.

C. B. No. 73, "An Act defining the manner of assessing damages caused by corporations, ditches," etc.

Read 1st and 2d times. and, on motion, referred to a select committee.

The Speaker appointed as such, Maxwell, Mimms and Daems.

C. B. No. 3 read with committee's amendments.

On motion of Mayhew to refer the bill to a select committee, the ayes and nays were called.

Ayes — None.
Nays — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith and Speaker — 11.
Absent — LaFontaine and Weed — 2.
Motion lost.

On motion to concur in the Council amendments, the ayes and nays were called.

Ayes — Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Smith and Speaker — 8.
Nays — Corry, McElroy and Rice — 3.

Absent—LaFontaine and Weed—2.
House concurred.
H. B. No. 35 read with Council amendments, and referred to committee on Public Lands.
C. B. No. 72, "An Act to incorporate the Blacktail Deer creek and Helena wagon road."
Bead 1st and 2d times, and referred to committee on Incorporations.
C. B. No. 7 read with Council amendments, and, on motion of McCullough, the House refused to concur.
H. B. No. 12, read with Council amendments, and, on motion of Mayhew, the House concurred in the amendments.
H. B. No. 14 read with Council amendments, and on motion of Maxwell, the House concurred with the Council.
Council joint-resolution No. 15, read 1st and 2d times, and, on motion of McCullough to lay it on the table until Monday, the ayes and nays were called.
Ayes—Corry, Hanna, Maxwell, McCullough, McElroy, Rice and Speaker—7.
Nays—Mimms, Parrott and Smith—3.
Absent—Daems, LaFontaine and Weed—3.
Motion prevailed.
Council joint-resolution No. 14 read 1st and 2d times, and, on motion of Mimms, the rules were suspended, resolutions read 3d time and placed on their final passage.
Ayes—Corry, McCullough, Mimms, McElroy, Parrott and Smith—6.
Nays—Speaker—1.
Absent—Daems, Hanna, LaFontaine, Maxwell, Rice and Weed—6.
Resolution passed.
Maxwell called up H. B. No. 38. Read for information. Add this additional section:
This act shall be subject to amendments, modifications or repeal, by any subsequent Legislature.
On motion, the rules were suspended, bill read 3d time by its title, and placed on its final passage.
Ayes—Corry, Hanna, McCullough, Maxwell, Mimms, Parrott, Smith and Speaker—8.
Nays—None.
Excused—Rice—1
Absent—Daems, LaFontaine, McElroy and Weed—4.
Bill passed and title agreed to.
C. B. No. 54, "An Act to incorporate the Big Blackfoot and Fort Benton wagon road company."
Called up and read for information.
On motion of Mayhew, the rules were suspended, bill read 3d time by its title, and put to its final passage.
Ayes—Hanna, Maxwell, McCullough Mimms, Parrott, Rice, Smith, and Speaker—8.
Nays—Corry—1.
Absent—Daems, LaFontaine, McElroy and Weed—4.
Bill passed and title agreed to.
On motion of Mayhew, the House adjourned to Monday, April 9th, 1866.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Clerk House of Representatives.

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Monday, April 9th, 1866.

House met at the usual hour, with the Speaker in the Chair.
Roll called. Present—Corry, Daems, Hanna, Maxwell, McElroy, McCullough, Mimms, Parrott, Rice, Weed and Speaker—11.
Absent—LaFontaine and Smith—2.

Resolution lost.

Maxwell offered the following amendment to the Council amendments to H. B. No. 36:

That the House concur in the first two amendments proposed by the Council, and that the House do not concur in the other amendments proposed by the Council; also that the House adhere to their amendments to the organic bill.

On motion of Mimms, the amendments, and substitute as amended, were adopted.

On motion of Mimms, the vote by which the amended substitute was adopted was reconsidered.

On motion of Parrott, the vote by which the amendment was adopted was reconsidered.

Mimms offered an amendment, which was decided out of order.

On motion of Maxwell, the House concurred in the 1st and 2d amendments in section 1st of the substitute to H. B. No. 36, and refused to concur in the other amendments.

McCullough introduced joint-resolution No. 17.

Read 1st and 2d times.

On motion of Maxwell, the resolution was amended by striking out the 17th, 18th, 19th and 20th lines to the word "act," in the 21st line.

On motion of Maxwell, the rules were suspended, resolution read 3d time and put to final passage.

Ayes—Maxwell, McCullough Mimms, Parrott, Rice, Weed and Speaker—7.

Nays—Corry—1.

Absent—Daems, Hanna, LaFontaine, McElroy and Smith—5.

Resolution passed.

Parrott introduced joint-resolution No. 18.

Read 1st and 2d times, and, on motion of McCullough, the rules were suspended, resolution read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, and Weed—9.

Nays—Speaker—1.

Absent—LaFontaine, McElroy and Smith—3.

Resolution passed.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: Your committee on Incorporations beg leave to report that they have examined H. B. No. 43, and recommend its passage after being amended as follows:

In section 1st, line 4th, after the word "at," strike out all down to the word "and," in line 8th, and insert in lieu of the same, "or near his present ranch, and shall have the exclusive right to ferry on said stream for the space of four rods either way."

In section 3d, line 7th, strike out "50," and insert "25."

Also, in line 11, strike out "$2.00," and insert "$1.50;" and, in line 12th, strike out "$2.50," and insert "$2.00." In line 13th, strike out "$3.00," and insert "$2.50."

J. S. McCULLOUGH, Chairman.

On motion of Maxwell, the amendments were adopted, the bill adopted as amended and ordered engrossed.

Parrott introduced joint-resolution No. 19.

Read 1st and 2d times.

On motion of Maxwell, the words "and the last," were struck from the 7th line, and the resolution, as amended, adopted.

On motion of Porrott, the rules were suspended, resolution read 3d time and put to its final passage.

Ayes—Corry, Daems, Hanna, McCullough, Maxwell, McElroy, Mimms, Parrott, Rice, Weed and Speaker—11.

Nays—None.

Absent—LaFontaine and Smith—2.

Resolution passed.

On motion of Mimms, the House adjourned to half-past 7 p. m.

EVENING SESSION.

House met pursuant to adjournment, with Speaker in the Chair.

Roll called. Present—Corry, Daems, Hanna, Maxwell, Mimms, Parrott, Rice, Weed and Speaker—9.

Absent—LaFontaine, McCllough, McElroy and Smith—4.

On motion of Maxwell the House adjourned to 10 o'clock a. m.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Tuesday, April 10th, 1866.

Mr. Speaker called the House to order at the usual hour.

Roll called. Present—Corry, Daems, Hanna, McCullough, McElroy, Mimms, Parrott, Rice and Speaker—9.

Absent—LaFontaine, Maxwell, Smith and Weed—4.

Yesterday's Journal read and approved.

Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment beg leave to report that they have carefully examined H. B. Nos. 35, 6, 21, 44, and joint-resolution No. 12, and find the same correctly enrolled.

GEO. H. HANNA, Chairman.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: Your committee on Incorporartions, beg leave to report that they have carefully examined H. B. No. 41, and recommend that it do not pass.

J. S. MCCULLOUGH, Chairman.

Report received.

Mimms asked permission and introduced H. B. No. 56, "An Act defining the Judicial Districts in and for the Territory of Montana, and fixing the terms of the courts therein."

Read 1st and 2d times, and, on motion of Mimms, the rules were suspended, bill read 3d time by its title and put to final passage.

Ayes—Corry, Daems, Hanna, McCullough, McElroy, Mimms, Parrott, Rice, Weed and Speaker—10.

Nays—None.

Absent—LaFontaine, Maxwell and Smith—3.

Bill passed and title agreed to.

Mimms, pursuant to notice, introduced H. B. No 58, "An Act to amend 'An Act locating the seat of government in and for the Territory of Montana,'".

Read 1st and 2d times, and referred to committee on Incorporations.

Weed, acting-chairman of the committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment have carefully examined H. B. No. 43, and find the same correctly engrossed.

WEED, Chairman.

The Speaker called Parrott to the Chair.

On motion of McCullough, the Sergeant-at-Arms was excused until to-morrow at 10 o'clock a. m., on account of indisposition.

McCullough, with permission of the House, introduced H. B. No. 58, "An Act to authorize hunters to catch beavers, and other animals."

Read 1st time and referred.

A communication was received from the Council announcing the passage of House substitute to C. B. No. 25, with amendments; also, the passage of C. B. No. 53, notwithstanding the Governor's veto, and the passage of C. B. No. 71; also, that the Council concurred in the House amendments to C. B. Nos. 70, 72, and 45, but the Council had rejected House substitute to C. B. No. 66, and had appointed Bagg and Leavitt, and requested the House to appoint a committee of three to act in conjunction with the Council committee to draft a license law.

The Speaker appointed, in compliance with the request of the Council, Mayhew, Maxwell and McCullough, on the joint-committee to draft a license law.

H. B. No. 43, "An Act to authorize W. P. Baker to establish a ferry on the Missouri river, in Gallatin county."

Read 3d time and put to final passage.

Ayes—Corry, Daems, Hanna, McCullough, McElroy, Mimms, Parrott, Rice, Weed and Speaker—10.

Nays—None.

Absent—LaFontaine, Maxwell and Smith—3.

Bill passed and title agreed to.

On motion of McCullough, H. B. No. 41, "An Act to incorporate the Madison irrigation and water ditch company," was taken up, rules suspended, bill read 3d time by its title and placed on final passage.

Ayes—None.

Nays—Corry, Daems, Hanna, McCullough, Mimms, McElroy, Parrott, Rice, Smith, Weed and Speaker—11.

Absent—LaFontaine and Maxwell—2.

C. B. No. 71, "An Act to authorize P. W. McAdow and others to establish a toll-road from the town of Sterling, in Madison county, to the south line of the Territory."

Read 1st and 2d times, and referred, on motion, to select committee.

The Chair appointed as such, McCullough, Mimms and Corry.

C. B. No. 53, read with the Governor's objections.

On motion of Corry, the vote was reconsidered by which the bill was passed.

On the question being put, Shall the bill pass notwithstanding the Governor's veto? the following vote was cast:

Ayes—Corry, Daems, Hanna, Mimms, Parrott, Rice, Weed and Speaker—8.

Nays—McCullough and McElroy—2.

Absent—LaFontaine, Maxwell and Smith—3

Bill receiving a two-thirds vote was passed notwithstanding the Governor's veto.

On motion of McCullough, the House concurred in the Council amendments to the House substitute to C. B. No. 25.

On motion of Mayhew, C. B. No. 58, "An Act concerning limited partnership," was taken from the table and referred to the committee on Judiciary.

On motion of Mayhew, the House adjourned to 2 o'clock p. m.

AFTERNOON SESSION.

The Speaker called the House to order at the usual hour.

Roll called. Present—Corry, Hanna, Daems, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker—12.

Absent—LaFontaine—1.

A message was received from the Governor announcing his approbation of joint-resolution No. 12 and H. B. No. 6, and his disapproval of H. B. No. 44, concerning the superintendent of public instruction, for the reason that the salaries fixed were insufficient, and that the bill did not prohibit books of a sectarian character.

On motion of Maxwell, the vote on H. B. No. 44 was reconsidered.

The vote was then put, Shall the bill pass notwithstanding the Governor's veto? which resulted as follows:

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Weed and Speaker—11.

Nays—Smith—1.

Absent—LaFontaine—1.

Bill receiving a two-thirds vote was declared passed.

McCullough, chairman of select committee on C. B. No. 71, reported:

Mr. Speaker: Your select committee, to whom was referred C. B. No. 71, beg leave to report that they have examined said bill, and would respectfully recommend its passage, after being amended as follows:

In section 2d, line 4th, strike out "three dollars," and insert "two dollars;" and in line 5, strike out "fifty," and insert "twenty-five."

In section 3d, line 1st, strike out all after the word "establish," of this section, and insert in lieu thereof: "one toll-gate on said road; Provided, That

said gate shall be located at least twenty-five miles from the terminus of said road."

In section 4th, line 4th, after the word "the," strike out all of said section down to the word "across," in line 6th, and insert in lieu thereof, "right of way." In same section, line 11th, after the word "of," strike out "ten," and insert "five." In same section, line 13th, after the word "within," strike out "two," and insert the word "one." Also, in line 14th, change "years," to "year."

In section 5th, line 1st, strike out the word "each," and insert the word "the."

Strike out section 6, and change section 7 to section 6. Amend the said section as follows: Strike out all after the line 1.

In line 3d strike out "fifty," and insert "twenty-five."

In line 5th, between the word "runs," and "may," insert, "or whenever in the judgment of the public," insert "demanded."

In line 5, strike out "after," and "fix," and insert "reduce."

Insert section 7 as follows: This act may be amended, modified or repealed at any subsequent session of the Legislature.

J. S. McCULLOUGH, Chairman.

On motion of Maxwell, the report was received and committee discharged.

On motion of Mimms, the amendments, and bill as amended, were adopted.

On motion, the rules were suspended, bill read 3d time and put to its final passage.

Ayes — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Smith and Speaker — 9.

Nays — Weed — 1

Excused — Rice — 1.

Absent — LaFontaine and Parrott — 2.

Bill passed and title agreed to.

McCullough, chairman of committee on Incorporations, reported:

Mr. Speaker: Your committee on Incorporations beg leave to report that they have examined H. B. No. 57, and would respectfully recommend that it would be unwise, impolitic and premature, to attempt a permanent location of the capital of this Territory at so early a time; hence, would respectfully suggest that the bill do not pass.

J. S. McCULLOUGH, Chairman.

C. B. No. 57 read for information.

On motion of Smith to strike out "Helena," whenever it occurs, and insert "Cottonwood," the ayes and nays were called.

Ayes — Corry, Daems, Hanna, Maxwell, Smith, Weed and Speaker — 7.

Nays — McCullough, McElroy, Mimms and Rice — 4.

Absent — LaFontaine and Parrott — 2.

Amendment adopted.

On motion of Maxwell, the bill was adopted as amended, the rules suspended, bill read 3d time by its title and put to its final passage.

Ayes — Mimms — 1

Nays — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Rice, Smith, Weed and Speaker — 10.

Absent — LaFontaine and Parrott — 2.

Bill lost.

On motion of Smith, the House took a recess to half-past 3 p. m.

House resumed.

Present — Corry, Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice and Speaker — 9.

Absent — LaFontaine, McElroy, Smith and Weed — 4.

A communication was received from the Governor returning H. B. Nos. 3 and 5, with his objections.

On motion of Maxwell, the vote on H. B. No. 3 was reconsidered, and vote taken whether the bill should pass notwithstanding the Governor's veto.

Ayes — Corry, Daems, Hanna, McCullough, Maxwell, Mimms, Parrott, Rice, Weed and Speaker — 10.

Nays—None.

Absent—LaFontaine, McElroy, and Smith—3.

Bill receiving a two-thirds vote was passed.

On motion of Maxwell, the vote on H. B. No. 5 was reconsidered, and vote taken, Shall the bill pass notwithstanding the Governor's veto?

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Weed and Speaker—10.

Nays—None.

Absent—LaFontaine, McElroy and Smith—3.

Bill receiving a two-thirds vote was passed.

Communications were received from the Council announcing the passage of H. B. Nos. 55 and 38, and joint-resolution No. 19; also, joint-resolutions Nos. 17 and 18, with amendments; that they refuse to recede from their amendments to H. B. Nos. 35 and 7; also, that the Council concurred in the House amendments to C. B. No. 71, except in regard to section 3, from which they asked the House to recede.

On motion of McCullough, the House refused to recede from their amendments to section 3 of C. B. No. 71, and a committee consisting of McCullough and Maxwell were appointed as a committee of conference on said bill.

On motion of McCullough, the House concurred in the 1st amendment, but refused to concur in the second amendment to House resolution No. 17.

On motion of Maxwell, the House refused to concur in the Council amendments to House resolution No. 18.

On motion of Mimms, the Speaker appointed the following committee of conference on H. B. No. 35: Mimms, Maxwell and Parrott.

On motion of Maxwell the Speaker appointed as a conference committee on H. B. No. 7, Maxwell, Parrott and Weed.

Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment beg leave to report that they have carefully examined H. B. No. 55, and find the same correctly enrolled.

GEO. H. HANNA, Chairman.

A communication was received from the Governor announcing that he had signed and approved H. B. No. 55.

On motion of Maxwell, the House adjourned to half-past 7 p. m.

EVENING SESSION.

House met pursuant to adjournment, with Speaker in the Chair.

Roll called. Present—Corry, Daems, Maxwell, McCullough, Mimms, McElroy, Parrott, Rice, Weed and Speaker—10.

Absent—Hanna, LaFontaine and Smith—3.

On motion of Weed to adjourn, the ayes and nays were called.

Ayes—Maxwell, Parrott, Rice, Weed and Speaker—5.

Nays—Corry, Daems, McCullough and Mimms—4.

Absent—Hanna, LaFontaine, McElroy and Smith—4.

Motion prevailed, and House adjourned to 10 a. m.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Clerk House of Representatives.

THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Wednesday, April 11th, 1866.

House met at the usual hour, with the Speaker in the Chair.

Roll called. Present—Corry, Daems, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed and Speaker—10.

Absent—Hanna, LaFontaine and McElroy—3.

Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment beg leave to report that they have carefully examined H. B. Nos. 38, 43 and 53, and joint resolutions Nos. 17 and 19, and find the same correctly enrolled.

GEO. H. HANNA, Chairman.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred C. B. No. 58, a bill for an "Act concerning limited partnership," beg leave to report that they have had the same under consideration, and respectfully recommend that it do not pass.

R. B. PARROTT, Chairman.

Report received.

McCullough, with permission of the House, introduced H. B. No. 59, "An Act amendatory of 'An Act providing for the collection of revenue.'"

Read 1st and 2d times, and referred, on motion of Maxwell, to a select committee.

The Speaker appointed as such, Maxwell, McCullough and Parrott.

A communication was received from the Council announcing the passage of C. B. Nos. 46 and 53, and H. B. Nos. 44, 3 and 5, and C. B. No. 56, notwithstanding the Governor's veto. Also, the passage of H. B. Nos. 53 and 43, and C. B. No. 19; also, that the Council receded from their amendments to House resolution No. 19, in regard to the pay of the Chaplain.

On motion of Parrott, the House went into Committee of the Whole on C. B. No. 19.

House resumed in the afternoon.

Hanna, chairman of committee on Enrollment, reported H. B. No. 56, and joint-resolution No. 18 correctly enrolled.

Communications were received from the Council announcing the passage of Council joint-resolutions Nos. 5, 18, 20, 21 and 22; also that the Council receded from their amendments to House resolution No. 18, and that H. B. Nos. 35 and 48 were passed with amendments; also, that the Council had concurred in the amendments to C. B. No. 71, with the exception of those to section 3d, which they returned amended.

On motion of McCullough, the Council amendments to House amendments to C. B. No. 71, were adopted, and bill adopted as amended.

On motion of Parrott, Council joint-resolutions No. 10 were taken from the table.

Read 3d time and put to final passage.

Ayes — Hanna, Maxwell, Mimms, Parrot, Rice, Smith, Weed, and Speaker — 8.

Nays — Corry, Daems, McCullough and McElroy — 4.

Absent — LaFontaine — 1.

Resolution passed.

The Speaker, in accordance with said resolution, appointed Parrott, Smith, Maxwell, Mimms and Rice, on part of the House.

Council joint-resolutions No. 18 read 1st and 2d times.

On motion of Corry, the words "six hundred" were struck out, and "two hundred and fifty" inserted in lieu thereof.

On motion of McCullough, the resolutions as amended were adopted.

McCullough moved to refer the resolutions to the committee on Judiciary.

On motion of Smith, McCullough's motion was laid on the table.

On motion of Smith, the rules were suspended, resolutions read 3d time and put to final passage.

Ayes — Corry, Daems, Hanna, Maxwell, McCullough, Mimms, and McElroy — 7.

Nays — Parrott, Rice, Smith, Weed and Speaker — 5.

Absent — LaFontaine — 1.

Resolution passed.

Mimms moved to take up H. B. No. 35.

On motion of Smith, the motion of Mimms was laid on the table.

On motion of Smith, the vote on C. B. No. 56 was reconsidered.

C. B. No. 56 read with the Governor's objections, and vote taken: Shall the bill pass notwithstanding the Governor's veto?

Ayes — Maxwell, Parrott, Smith, Weed and Speaker — 5.

Nays — Corry, Daems, Hanna, McCullough, McElroy, Mimms and Rice — 7.

Absent — LaFontaine — 1.

Bill failing to get a two-thirds vote was lost.

H. B. No. 35 read with Council amendments.

Smith moved that the House refuse to concur.

Ayes and nays called.

Ayes — Corry, Hanna, McCullough, Parrott, Rice, Smith and Weed — 7.

Nays — Daems, Maxwell, Mimms, and Speaker — 4.

Absent — LaFontaine and McElroy — 2.

Bill failing to get a two-thirds vote was lost.

Council joint-resolution No. 21 read 1st and 2d times, and, on motion of Parrott, the rules were suspended and resolution read 3d time.

By unanimous consent, the last three lines were stricken out.

Vote taken on final passage.

Ayes — Corry, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice and Speaker — 9.

Nays — Smith and Weed — 2.

Absent — Daems and LaFontaine — 2.

Resolution passed.

The Speaker appointed, in compliance with said resolution, on part of the House, Daems, Parrott and Smith.

Council Joint-resolution No. 20 read 1st time, when Smith objected to further reading, and the resolutions were rejected.

Council joint-resolution No. 22 read 1st and 2d times and referred, on motion, to a select committee.

The Speaker appointed as such, Parrott, Hanna and Maxwell.

On motion of Weed, C. B. No. 58 was laid on the table indefinitely.

On motion of Mimms, the House adjourned to half-past 7 p. m.

EVENING SESSION.

House met pursuant to adjournment, with Speaker in the Chair.

Roll called. Present — Maxwell, McCullough, Mimms, Parrott, Rice, Weed and Speaker — 7.

Absent — Corry, Daems, Hanna, LaFontaine, McElroy and Smith — 6.

A communication was received from the Council announcing the passage of C. B. No. 75; also, of the passage of a resolution appointing Potter and McCormick, on the part of the Council, and requesting the House to appoint a committee of three to act in conjunction with the Council to wait on the Governor.

Parrott moved that, in compliance with the request, the House appoint a committee of three, to include the Speaker, to act with the Council committee; which motion prevailed, and Daems and Parrott were selected by the Speaker to act upon said committee. The committee then consisted of Daems, Parrott and Mayhew.

The Speaker called McCullough to the Chair.

The House took a recess of fifteen minutes, on motion of Rice.

House resumed, with Speaker in the Chair.

Mimms, chairman of Committee of the Whole, reported:

Mr. Speaker: The Committee of the Whole, to whom was referred C. B. No. 19, have had the same under consideration, and report the same back for the action of the House with the accompanying amendments.

R. W. Mimms, Chairman,
Committee of the Whole.

On motion of McCullough, the report and amendments were adopted.

Parrott offered the following amendments, which were adopted:

After the word "seal," in the 10th section, line 363d, insert "other than quartz property."

On motion of McCullough, the bill was adopted as amended.

On motion of Maxwel, the rules were suspended, bill read 3d time and put to final passage.

Ayes — Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker — 12.

Nays — None.

Absent—LaFontaine—1.

Bill passed and title agreed to.

The Speaker called Daems to the Chair, and moved that the clerk be instructed to request the Council members of the joint-committee on the memorial protesting against the survey of the mineral lands, to meet the House committee, and make their report; which motion prevailed, and the clerk was so instructed.

Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment beg leave to report that they have carefully examined H. B. No. 48, and find the same correctly enrolled.

GEO. H. HANNA, Chairman.

On motion of Mayhew, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Thursday, April 12th, 1866.

House met at the usual hour, with Speaker in the Chair.

Roll called. Present—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimins, Parrott, Rice and Speaker—10.

Absent—LaFontaine, Smith and Weed—3.

Hanna, chairman of committee on Enrollment, reported:

Mr. Speaker: Your committee on Enrollment beg leave to report that they have carefully examined H. B. No. 36, and find the same correctly enrolled.

GEO. H. HANNA, Chairman.

Maxwell, chairman of joint-committee, reported:

Mr. Speaker: Your committee, appointed on the part of the House to confer with a like committee on the part of the Council in reference to amendments proposed by the Council to H. B. No. 7, respectfully beg leave to report that the joint-committee have had the same under consideration, and find that said committee cannot agree upon said amendments.

A. S. MAXWELL, Chairman.

Report received and committee discharged.

Maxwell reported from another joint-committee:

Mr. Speaker: Your committe appointed on the part of the House, in reference to Council joint-memorial No. 3, and House remonstrance, reported by committee, on mines and mining interests relating to the survey and sale of the mineral lands by the Government, respectfully beg leave to report that the joint-committee have had the same under consideration, and recommend the memorial reported by the committee on mines and mining interests, to the favorable consideration of the two Houses.

A. S. MAXWELL, Chairman.

Report received and committee discharged.

Maxwell, chairman of select committee on H. B. No. 59, reported:

Mr. Speaker: Your select committee, to whom was referred H. B. No. 59, respectfully beg leave to report that they have had the same under consideration, and recommend its passage with the following amendments, to wit:

After the word "collected," in line 6th of section 1st, strike out the words "as other taxes," and insert the following words in lieu thereof: "as prescribed by law."

A. S. MAXWELL, Chairman.

Report adopted and committee discharged, and bill adopted as amended, and ordered engrossed.

Daems, chairman of joint-committee, whose duty it was to call on the Governor and inquire of him when he would be ready to sign a resolution of adjournment, reported:

The Governor informed your joint-committee that he would not require the Legislature to remain one minute after the time. All of which is respectfully submitted.

Report received and committee discharged.

A communication was received from the Governor announcing his approval of H. B. Nos. 25, 43, 53 and 56, and House joint-resolutions Nos. 17 and 18.

A further communication was read announcing his Excellency's disapproval of H. B. No. 38, for the reason that he had failed to learn what necessity there was for a chartered road between Diamond city and Fort Benton.

On motion of Maxwell, the vote on H. B. No. 38 was reconsidered, and the vote taken: Shall the bill pass notwithstanding the Governor's veto?

Ayes—Daems, McCullough, Maxwell, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker—10.

Nays—Corry—1.

Absent—Hanna and LaFontaine—2.

Bill getting a two-thirds vote was passed notwithstanding the Governor's veto.

A communication was received from the Council announcing that the Council refuse to concur in the House amendments to joint-resolution No. 18, and had receded from their amendments to H. B. No. 35, and had concurred in the conference committee's amendments to substitute to C. B. No. 66. Also, the passage of joint-memorial No. 4, and Council joint-resolution No. 24.

House joint-memorial No. 1 read 1st and 2d times and ordered engrossed.

A communication was received from the Governor announcing that he had signed and approved H. B. No. 48.

Council joint-memorial No. 4 read 1st and 2d times, and, on motion of Maxwell, the rules were suspended, memorial read 3d time and put to final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Smith, and Speaker—10.

Nays—None.

Absent—LaFontaine, Rice and Weed—3.

Memorial passed.

The Speaker called Smith to the Chair, and called up substitute to C. B. No. 66.

Bill read with amendments agreed on by the joint-committee.

Amendments, and bill as amended, adopted.

The committee on Engrossment, through Weed, acting-chairman, reported H. B. No. 59 correctly engrossed.

Council joint-resolution No. 24 read 1st and 2d times.

Smith offered the following amendments:

Be it further resolved, That we indorse the course of Andrew Johnson and the noble stand taken by him during the late rebellion, and as a Senator of the United States, and as a military Governor of Tennessee.

Amendment and resolution referred, on motion, to committee on Judiciary.

Mayhew called for the reading of C. B. No. 75.

McCullough objected, but was decided out of order.

C. B. No. 75, the general incorporation act, read 1st and 2d times.

On motion of Corry to refer the bill to the committee on Incorporations, the ayes and nays were called.

Ayes—Corry, Daems, McCullough, McElroy and Rice—5.

Nays—Hanna, Maxwell, Mimms, Parrott, Smith, Weed and Speaker—7.

Absent—LaFontaine—1.

Motion lost.

On motion of Mayhew the bill was referred to the Committee of the Whole at 2 o'clock p. m.

On motion of Mayhew, the House adjourned to 2 o'clock p. m.

AFTERNOON SESSION.

House called to order at 2 o'clock by the Speaker.

Roll called. Present—Daems, Maxwell, Mimms, Parrott, Rice and Speaker—6.

Absent — Corry, Hanna, LaFontaine, McCullough, McElroy, Smith and Weed — 7.

H. B. No. 59, "An Act amendatory of 'An Act providing for the collection of the revenue.'"

Read 3d time and put to its final passage.

Ayes — Daems, Hanna, McCullough, Maxwell, Mimms, Parrott, Rice, Weed and Speaker — 9.

Nays — None.

Absent — Corry, LaFontaine, McElroy and Smith — 4.

Bill passed and title agreed to.

A communication was received from the Council announcing that the Council refuse to concur in the House amendments to C. B. No. 19.

On motion of Parrott, the House refused to recede from the House amendments to C. B. No. 19, and asked for a conference committee on said bill.

The Speaker, on the part of the House, appointed Parrott, Maxwell and McCullough.

On motion of McCullough, the House refused to recede from their amendments to Council resolutions No. 18, and asked for a committee of conference.

The Speaker appointed, on the part of the House, Maxwell, Parrott and McCullough.

Parrott, chairman of select committee on Council joint-resolution No. 22, reported:

Mr. Speaker: Your select committee, to whom was referred Council joint-resolution No. 22, beg leave to report that they have examined the same, and cannot find in said resolution what the extra services were, if any, or when performed; and, therefore, report the same back for the action of the House.

R. B. Parrott, Chairman.

On motion of McCullough, the report was received and committee discharged, and resolution laid on the table for the present.

House went into Committee of the Whole on C. B. No. 75.

House resumed.

Hanna, chairman of committee on Enrollment, reported H. B. No. 59 correctly enrolled.

A communication was received from the Council announcing the passage of H. B. No. 59.

A communication was received from the Governor announcing his approval of joint-resolution No. 19 and H. B. No. 59.

Mimms, chairman of Committee of the Whole reported:

Mr. Speaker: The Committee of the Whole, to whom was referred C. B. No. 75, have had the same under consideration, and report the same back and recommend its passage.

R. W. Mimms, Chairman.

Report received.

Parrott introduced House joint-memorial No. 2.

Read 1st and 2d times.

On motion of McCullough, the word "other," in the 20th line, was struck out.

On motion of Maxwell, the rules were suspended, memorial read 3d time by its title and put to its final passage.

Ayes—Corry, McCullough, Mimms, McElroy, Parrott, Rice and Speaker—7.

Nays — Maxwell, Smith and Weed — 3.

Absent — Daems, Hanna and LaFontaine — 3.

Memorial passed.

McCullough offered the following amendment to C. B. No. 75:

"Provided, That this act shall not take effect until the same shall have been submitted to and ratified by a majority of all the legal voters in the Territory, at the next general election, as provided by law."

Ayes and nays called on the adoption.

Ayes — Corry, McCullough, McElroy, Mimms and Rice — 5.

Nays — Maxwell, Parrott, Smith, Weed and Speaker — 5.

Absent — Daems, Hanna and LaFontaine — 3.

Amendment lost.

On motion of Maxwell to suspend the rules in order to read C. B. No. 75 by by its title, the ayes and nays were called.

Ayes — Maxwell, Mimms, Parrott, Smith, Weed and Speaker — 6.

Nays — Corry, McCullough, McElroy and Rice — 4.

Absent — Daems, Hanna and LaFontaine — 3.

Motion failing to get a two-thirds vote was lost.

Weed, of the Engrossing committee, reported joint-memoiral No. 1 correctly engrossed.

On motion of Maxwell, House memorial No. 1 was taken up, rules suspended, read 3d time by its title and put to its final passage.

Ayes — Corry, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker — 10.

Nays — None.

Absent — Daems, Hanna and LaFontaine — 3.

Memorial passed.

On motion of Mimms, the House adjourned till half-past 7 o'clock.

EVENING SESSION.

House met pursuant to adjournment, with Speaker in the Chair.

Roll called. Present — Corry, Hanna, Maxwell, McCullough, Mimms, Weed and Speaker — 7.

Absent — Daems, LaFontaine, McElroy, Parrott, Rice, and Smith — 6.

Weed, acting-chairman of committee on Engrossment, reported:

Mr. Speaker: Your committee on Engrossment beg leave to report that they have carefully examined joint-memorial No. 2, and find the same correctly engrossed.

WEED, Acting-chairman.

On motion of Weed, Council joint-resolutions No. 22 were taken from the table, and resolutions read for information.

On motion of Weed, the Chief clerk, Assistant clerk, Engrossing clerk, and Enrolling clerk, and, on motion of McCullough, the Sergeant-at-Arms, and of Parrott, the Page of the House, were added to said resolution.

On motion of McCullough, the resolutions were adopted as amended, rules suspended, resolutions read 3d time and put to final passage.

Ayes — Hanna, McCullough, McElroy, Weed and Speaker — 5.

Nays — Corry, Daems, Maxwell, Mimms and Parrott — 5.

Absent — LaFontaine, Rice and Smith — 3.

Resolutions lost.

Parrott, chairman of committee on Judiciary, reported:

Mr. Speaker: Your committee on Judiciary, to whom was referred Council resolution No. 24, beg leave to report the resolution back without amendments, and recommend the adoption of the original resolution without amendments.

R. B. PARROTT, Chairman.

On motion of McCullough, the rules were suspended, resolution read 3d time and put to final passage.

Ayes — Corry, Daems, Hanna, Mimms and Parrott — 5.

Nays — Maxwell, McCullough, McElroy, Weed and Speaker — 5.

Absent — LaFontaine, Rice and Smith — 3.

Resolution lost.

On motion of Weed, the House adjourned.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Clerk House of Representatives.

THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES, VIRGINIA CITY, M. T.,
Friday, April 13th, 1866.

House met at the usual hour, with the Speaker in the Chair.

Roll called. Present — Corry, Daems, Maxwell, McElroy, Mimms, Par-

rott, Rice, Smith, Weed and Speaker—10.

Absent—Hanna, LaFontaine and McCullough—3.

Yesterday's journal read and approved.

The Speaker called Smith to the Chair.

Maxwell made a majority report from a conference committee:

Mr. Speaker: The majority of your committee, appointed on the part of the House to confer with a like committee on the part of the Council on joint-resolution No. 18, respectfully beg leave to report that the committee of conference have had the same under consideration, and have agreed upon the sum of five hundred dollars. Your committee, therefore, recommend that the resolution be so amended and passed.

A. S. Maxwell, Chairman.

On motion of Mayhew, the report was adopted and committee discharged.

McCullough, with permission, introduced H. B. No. 60, "An Act to amend the fee law."

Read 1st and 2d times and referred to committee on Judiciary.

On motion of Mayhew, the vote on Council joint-resolution No. 24 was reconsidered.

Read 3d time and put to final passage.

Ayes—Corry, Daems, Hanna, McCullough, Maxwell, McElroy, Mimms, Parrott, Rice, Smith and Speaker—11.

Nays—Weed—1.

Absent—LaFontaine—1.

Resolution passed.

On motion to reconsider the vote on Council joint-resolution No. 22, the ayes and nays were called.

Ayes—Hanna, McElroy, Parrott, Rice, Smith, Weed and Speaker—7.

Nays—Corry, Daems, Maxwell, McCullough and Mimms—5.

Absent—LaFontaine—1.

Motion prevailed.

On motion of Mayhew, the resolution was so amended as to include from the House only the Assistant and Engrossing clerks.

Rules suspended, resolution read 3d time and put to final passage.

Ayes—Corry, Daems, Hanna, McElroy, Parrott, Rice, Smith, Weed and Speaker—9.

Nays—Maxwell, McCullough and Mimms—3

Absent—LaFontaine—1.

Resolution passed.

Mayhew called up C. B. No. 75.

On motion of Maxwell to suspend the rules so as to read the bill the 3d time by its title, the ayes and nays were called.

Ayes—Corry, Daems, Hanna, Maxwell, Mimms, McElroy, Parrott, Rice, Smith, Weed and Speaker—11.

Nays—McCullough—1

Absent—LaFontaine—1.

Motion prevailed, bill read 3d time by its title and put to final passage.

Ayes—Hanna, Maxwell, Mimms, Parrott, Smith, Weed and Speaker—7.

Nays—Corry, Daems, McCullough, McElroy and Rice—5.

Absent—LaFontaine—1.

Bill passed and title agreed to.

A communication was received from the Council announcing the passage of C. B. Nos. 50 and 76, House resolutions No. 4, and House resolution No. 6 with amendments; also, that C. B. Nos. 45 and 12, and H. B. No. 38, had passed notwithstanding the Governor's veto, and that H. B. Nos. 15 and 9, C. B. Nos. 39, 74 and 36, were respectively postponed.

C. B. No. 76, "An Act concerning malfeasance in office."

Read 1st and 2d times and, on motion of McCullough, the rules were suspended, bill read 3d time by its title and put to final passage.

Ayes—Daems, Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith, Weed and Speaker—10.

Nays—None.

Absent — Corry, LaFontaine and McElroy — 3.

Bill passed, and title agreed to.

C. B. No. 50, "An Act to incorporate the capital addition town company."

Read 1st and 2d times and, on motion of McCullough to lay the bill on the table indefinitely, the ayes and nays were called.

Ayes -- Daems, McCullough, McElroy, Parrott, Rice and Weed — 6.

Nays — Hanna, Maxwell, Mimms and Smith — 4.

Absent — Corry, LaFontaine and Speaker--- 3.

Motion prevailed and bill tabled indefinitely.

C. B. No. 45 read with the Governor's objections.

On motion of McCullough, the vote on C. B. No. 45 was reconsidered, and vote taken: Shall the bill pass notwithstanding the Governor's veto?

Ayes — Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith and Weed — 8.

Nays — Corry, Daems and McElroy — 3.

Absent — LaFontaine and Speaker — 2.

Bill receiving a two-thirds vote was passed.

C. B. No. 12 read with the Governor's objections.

On motion of McCullough, the vote on C. B. No 45 was reconsidered, and vote taken: Shall the bill pass notwithstanding the Governor's veto?

Ayes — Hanna, Maxwell, McCullough, Mimms, Parrott, Rice, Smith and Weed — 8.

Nays — Corry, Daems and McElroy — 3.

Absent — LaFontaine and Speaker — 2.

Bill receiving a two-thirds vote was declared passed.

C. B. No. 12 read with the Governor's veto.

On motion of Maxwell, the vote on C. B. No. 12 was reconsidered, and the vote postponed until the afternoon.

A communication was received from the Council announcing the passage of House memorial No. 1, Council memorial No. 5, and House memorial No. 2 with amendments.

Council joint-memorial No. 5 read 1st and 2d times, and, on motion, the rules were suspended, memorial read 3d time by its title and put to final pas-passage.

Ayes — Corry, Daems, Hanna, McCullough, Maxwell, Mimms, Parrott, Rice, Smith and Weed — 10.

Nays — None.

Absent — LaFontaine, McElroy and Speaker — 3.

Memorial passed.

On motion of Parrott, the House concurred in the Council amendments to House memorial No. 2, and memorial ordered engrossed.

Maxwell made a report from a select committee.

Mr. Speaker: Your committee, to whom was referred C. B. No. 19, beg leave to report that they have faithfully sought to meet and confer with the committee appointed by the Council for the purpose of conferring upon the amendments of the House to said bill, but failed to have the opportunity of meeting but one of said committee, which did not constitute a quorum on the part of the Council, hence we were deprived of an opportunity of properly arranging said fee bill, or agreeing, or disagreeing. A majority of the House committee having agreed upon certain propositions, presented the same to a single member of the Council joint-committee, which were not concurred in by him; and, therefore, the committee separated.

A. S. Maxwell, Chairman.

Report received and committee discharged.

Parrott reported from the Judiciary, committee:

Mr. Speaker: Your committee on Judiciary, to whom was referred H. B. No. 60, beg leave to report that they have had the same under consideration, and recommend its passage.

R. B. Parrott, Chairman.

Report received, and, on motion of Maxwell, the rules were suspended, H. B. No. 60 read 3d time by its title and put to its final passage.

Ayes—Corry, Daems, Hanna, McCullough, Maxwell, Mimms, Parrott, Rice, Smith and Weed—10.

Nays—None.

Absent—LaFontaine, McElroy, and Speaker—3.

Bill passed and title agreed to.

On motion of Maxwell, the House adjourned to 2 p. m.

AFTERNOON SESSION.

The Speaker called the House to order at the usual hour.

Roll called. Present—Hanna, Daems, Maxwell, McCullough, Mimms, Parrott, Smith, Weed and Speaker—9.

Absent—Corry, LaFontaine, McElroy and Rice—4.

Hanna, of the Enrollment committee, reported House memorials 1 and 2, and joint-resolution No. 4 correctly enrolled.

On motion of Maxwell, the House receded from the amendments to Council joint-resolution No. 18, and, on motion to adopt the amendments proposed by the conference committee, the ayes and nays were called.

Ayes—Corry, Hanna, Maxwell, McElroy, Rice, Smith and Weed—7.

Nays—Daems, McCullough, Mimms, Parrott and Speaker—5.

Absent—LaFontaine—1.

Motion prevailed.

A communication was received from the Governor announcing his approval of C. B. No. 66 and joint-resolution No. 4.

C. B. No. 12 taken up, and vote taken: Shall the bill pass notwithstanding the Governor's veto?

Ayes—Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Weed, Smith and Speaker—10.

Nays—Corry and Daems—2.

Absent—LaFontaine—1.

Bill passed, getting a two-thirds vote.

McCullough offered the following resolution, which was unanimously adopted:

Resolved, That we tender to the Honorable A. E. Mayhew our sincere thanks, as Speaker of this House, and as a high-toned gentleman, whose very excellent qualities and social relations we so highly appreciate, and which so fittingly qualify him for the honors and high position which he has filled, and for his course in performing the arduous duties devolving upon him, without fear, favor, partiality or affection, and yet with a promptness in all decisions regardless of persons or political bias; and that this honorable tribute of esteem, so justly due, be placed on the records of this House, and preserved in the archives of the Territory, and transmitted to those who may follw, as a memento of the respect due, and honor paid, to our worthy and honorable Speaker. And we now ask him to accept this mark of respect and gratitude, assuring him that he shall ever enjoy our full confidence and highest regard in no less degree than we sincerely tender the same to him now.

On motion of Smith, the House took a recess until 4 o'clock.

House resumed its session.

Maxwell introduced House resolution No. 20.

Read 1st and 2d times, rules suspended, resolution read 3d time and put to final passage.

Ayes—Daems, Hanna, McCullough, Maxwell, McElroy, Mimms, Rice, Smith, Weed and Speaker—10.

Nays—None.

Absent—Corry, LaFontaine and Parrott—3.

Resolution passed.

Smith offered the following resolution, which was unanimously adopted:

Resolved, by the House of Representatives of Montana Territory, That on the eve of our adjournment, we hereby tender our most sincere and cordial thanks to Messrs. John F. Rucker, Wm. H. Chiles, Geo. W. Hynson, and Frank Dumil, our clerks of the session now closing, for their prompt and dilligent attention to their respective duties, the accommodating and satisfactory

manner in which they have performed the labors assigned to them, and as well as the respectful and gentlemanly demeanor which has characterized them in all of their actions and duties; and, that, among the pleasant memories associated with our forty days' companionship, we will always remember with the highest feelings of regard and friendship, our much esteemed clerks.

Smith offered the following resolution:

Resolved, That we tender our thanks to the editor and proprietors of the "Montana Post," for the able and impartial manner in which they have reported the proceedings of this House during its present session.

On motion of Maxwell to lay it on the table, the ayes and nays were called.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Parrott and Rice—8.

Nays—Mimms, Smith, Weed and Speaker—4.

Absent—LaFontaine—1.

Motion prevailed.

McCullough offered the following resolution:

Resolved, That this House extend to Major Jno. P. Bruce our sincere thanks for his untiring devotion to serve our every interest in facilitating the business of this House, by printing our several bills and reports with neatness and despatch.

Ayes and nays called for on the adoption.

Ayes—Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Smith, Weed and Speaker—10.

Nays—Corry and Rice—2.

Absent—LaFontaine—1.

Resolution adopted.

Maxwell introduced House joint-resolution No. 21.

Read 1st and 2d times, rules suspended, read 3d time and put to final passage.

Ayes—Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Rice, Smith, Weed and Speaker—10.

Nays—Corry and Parrott—2.

Absent—LaFontaine—1.

Resolution passed.

A communication was received from the Governor announcing that he had signed House joint-memorial No. 1.

McCullough offered the following resolution, which was adopted:

Resolved, That this House cordially extend to Woody Huggins, the Page, Fireman, and Sergeant-at-Arms, of this House, our sincere thanks for the gentlemanly manner in which they have performed their duties during this session.

A communication was received from the Council announcing the passage of H. B. Nos. 9 and 15, Council resolutions Nos. 24, 25, and 27, that H. B. No. 60 was lost, and that the Council had concurred in House amendments to Council resolution No. 22.

Council joint-resolution No. 24 read 1st and 2d times, rules suspended, resolution read 3d time and put to final passage.

Ayes—Corry, Daems, Hanna, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker—12.

Nays—None.

Absent—LaFontaine—1.

Resolution passed.

Council joint-resolution No. 25 read 1st and 2d times, rules suspended, resolution read 3d time and put to final passage.

Ayes—Corry, Daems, Hanna, McCullough, Maxwell, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker—12.

Nays—None.

Absent—LaFontaine—1.

Resolution passed.

On motion of Parrott to reconsider the vote on Smith's resolution, in regard to the "Post," the ayes and nays were called.

Ayes — Corry, Mimms, Parrott, Rice, Smith Weed and Speaker — 7.
Nays — Hanna, Maxwell, McCullough and McElroy — 4.
Absent — Daems and LaFontaine — 2.
Motion prevailed, and resolution taken from the table.
Corry moved to insert the "Democrat" and "Radiator" before the word "Post," in the resolution.
Ayes and nays called on the adoption.
Ayes — Corry, Hanna, Maxwell, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker — 10.
Nays — McCullough — 1.
Absent — Daems and LaFontaine — 2.
Amendment adopted.
On motion of Parrott, the resolution was adopted as amended.
Hanna offered the following resolution:
Resolved, That a committee of three be appointed to wait on the Governor, to act with a similar committee from the Council, to inform him that they have completed their business, and have adopted a joint-resolution to adjourn this evening at half-past 6 p. m., April 13th, 1866, and inquire if his Excellency has any further communications to make.
Resolution adopted, and the Speaker appointed as such committee, Hanna, Maxwell and Smith.
A communication was received from the Council announcing that Potter and Leavitt were appointed on the part of the Council to wait on the Governor.
Council joint-resolution No. 27 read 1st and 2d times.
The rules were suspended, resolution read 3d time and put to final passage.
Ayes — Corry, Maxwell, McCullough, McElroy, Mimms, Parrott, Rice, Smith, Weed and Speaker — 10.
Nays — None.
Absent — Daems, Hanna and LaFontaine — 3.
Resolution passed.
House took a recess of fifteen minutes.
House resumed.
Maxwell, chairman of committee to wait upon the Governor, reported that they were unable to see his Excellency on account of indisposition.
On motion of Maxwell, the vote on Council joint-resolutions No. 24 was reconsidered, and the resolutions laid on the table for the present.
On motion of Parrott, a committee of three were appointed to inform the Council of the action of the House.
The Speaker appointed as such, Parrott, Maxwell and Smith.
The committee waited upon the Council and informed them of the proceeding of the House, and, upon request of the Council, and the motion of McCullough, a joint-committee was appointed to consult as to the adjournment and action of the Legislature.
The Speaker appointed as such, on the part of the House, McCullough, Maxwell and Parrott.
Hanna, chairman of the Enrollment committee, reported H. B. No. 15 correctly enrolled.
A communication was received from the Governor announcing his approval of H. B. No. 9, "An Act authorizing J. V. Stafford to establish a ferry on the Missouri river," and C. B. No. 76, "An Act concerning malfeasance in office," House joint-memorial No. 2, and joint-resolutions Nos. 18 and 22.
A communication was received from the Council announcing the passage of Council joint-resolution No 28.
Council joint-resolution No. 28 read 1st and 2d times.
Rules suspended, resolution read 3d time and put to final passage.
Ayes — Maxwell, McCullough, Mimms, Parrott, Smith, Weed and Speaker — 7.
Nays — Corry and Rice — 2.
Absent — Daems, Hanna, LaFontaine and McElroy — 4.

Resolution passed.

The following communication was received from the Governor :

EXECUTIVE OFFICE, MONTANA TERRITORY,
VIRGINIA CITY, April 13th, 1866.

To the Speaker of the House of Representatives :

SIR—I have received this morning the graceful and liberal thanks of the two Houses of the Legislature.

I called the present Legislature into action. I did so with the hope and conviction that the men designated by the people to propound and enact laws for our young community, would not be unfaithful to their trust, so sacred and vital. I called the Legislature of the Territory together for the reason that I found Montana in a state, politically speaking, of imbecility and stagnation. American communities are not properly and successfully developed unless their intelligence is let loose and given a full and authoritative position to express and illustrate itself. So far from being deceived in my calling together the Legislature, I have been heartily and thoroughly gratified, with very few exceptions, that, indeed, the Legislature has been most considerate and serviceable to our Territory. No political prejudices, as far as I know, have interfered with the frank, wholesome and generous consideration of questions and measures submitted to the Legislature.

The Legislature has vindicated my faith in their good faith and intellectual ability ; and I have to thank each member of the Council, as well as the House of Representatives, for the personal courtesy and cordiality I have experienced from them every day of the session, and which went far, I hope and trust, to subdue and soothe any asperity which my vetoes of certain bills may have naturally provoked.

With the truest and highest regards, I have the honor, gentlemen, to be,

Most truly, your obedient servant,

THOMAS FRANCIS MEAGHER,
Acting-Governor, M. T.

A communication was received from the Council announcing the passage of C. B. No. 75, notwithstanding the Governor's veto.

C. B. No. 75 read with the Governor's objections.

On motion of Maxwell, the vote on C. B. No. 75 was reconsidered, and vote taken : Shall the bill pass notwithstanding the Governor's veto ?

Ayes — Hanna, Maxwell, Mimms, Parrott, Smith, Weed and Speaker — 7.

Nays — Corry, Daems, McCullough, McElroy, and Rice — 5.

Absent — LaFontaine — 1.

Bill lost, not getting a two-thirds vote.

The Council communicated, through their Clerks, that they had finished their business, and were ready to adjourn.

The committee to wait on the Governor reported, through their chairman, Hanna, that his Excellency had no further communications to make.

On motion of Smith, the Clerk was instructed to inform the Council that the House was through with its business, and were ready to adjourn.

On motion of Parrott, a committtee of three was appointed to wait on the Council and invite that body to take seats with the House previous to their adjournment.

The Speaker appointed as such, Parrott, Smith and Mimms.

The committee discharged their duty by escorting in the members of the Council.

Parrott called for the reading of the resolution in regard to the Speaker.

After able speeches by the Speaker, and some of the members, the following was adopted :

Resolved, That the Hon. A. E. Mayhew be requested to furnish the Clerk of this House the remarks first delivered by him, and the same be placed upon the journals of the House.

Resolved, That the resolutions, and the remarks made in response to the same by the Honorable Speaker Mayhew, be printed in the "Montana Democrat."

Journal read and approved.

The adoption of the following from the Council:

Resolved, by the Legislative Assembly now in session, That the two Houses shall be adjourned by their respective officers at 12 o'clock M.

The House adjourned *sine die*.

A. E. MAYHEW,
Speaker House of Representatives.

JOHN F. RUCKER, Chief Clerk House of Representatives.

INDEX.

HOUSE BILLS.

No. 19. A. F. and A. M. Grand Lodge of M. T. to incorporate, 22, 23, 25, 31
No. 22. Assessor, defining duties, 27, 28, 58, 61, 65, 66, 75, 82
No. 27. Act to prohibit marriage and cohabitation of whites with Indians, negroes and Chinese, 35, 38, 46, 47, 52, 54
No. 32. Auditor and Treasurer, to define duties, 40, 48, 52, 53, 54, 58
No. 49. Auditor, to authorize, etc., 88, 89, 96, 97, 100
No. 20. Blackfoot Water Co., to incorporate, 22, 26, 37
No. 1. Compensation, an act to provide, increase, 8, 14, 15, 22, 25, 36, 51, 54, 62
No. 23. Civil cases, proceedings to regulate, 27, 37, 38, 49, 52, 59, 60, 62, 67, 68, 93, 99, 105, 107
No. 28. County limits defining, to amend, 35, 38, 46, 48, 51, 75, 78
No. 40. County Treasurer, defining duties, 64, 67, 68, 86
No. 50. Couch, W. M., authorize, 90, 94, 96
No. 51. Chinese, to tax, 90, 93
No. 54. Castner, J. M., to provide for, 96, 97, 99
No. 55. Court and legal notices, in regard to, 106, 113
No. 8. Divorce, Godfrey and Godfrey, 14, 18, 22, 39, 48
No. 17. Dekalb Gold and Silver Mining Co., to incorporate, 21, 26, 28
No. 30. Divorce, Martha A. and Allen Richardson, 40, 47, 52
No. 14. Divorce, E. P. and R. P. Warring, 21, 35, 45, 80, 104
No. 39. Election, amendatory of an act regulating, 63, 65, 75, 18
No. 5. Ferry, authorizing Sol H. Miller to establish, 10, 12, 14, 18, 24, 25, 114
No. 9. Ferry, authorizing J. V. and J. R. Stafford to establish, 14, 25, 28, 123, 124
No. 25. Ferry, to authorize J. M. Wood and John Stone to establish on Missouri River, 30, 42, 46, 48, 52, 54, 58, 93, 96, 117
No. 31. Ferry, to establish on Missouri river, 40, 44, 46, 48, 51, 93, 96
No. 33. Fees of officers, regulating, 55, 62, 65, 83, 84, 89, 107
No. 43. Ferry, authorizing W. P. Baker to establish on the Missouri river, 67, 106, 109, 110, 111, 113, 114, 117
No. 60. Fee law, to amend, 120, 121
No. 3. Helena Water Co., to incorporate, 10, 14, 17, 25, 29, 35, 112, 114
No. 18. Highland District, Gulch Mining Co., 21, 26, 29, 37, 42, 56, 58, 61
No. 58. Hunters authorized, etc., 110
No. 44. Instructions, Superintendent Public, define duties, 70, 75, 76, 77, 80, 81, 83, 101, 107, 110, 111, 114
No. 56. Judicial Districts, fixing the terms of the Courts therein, 110, 114
No. 4. Lord's day, better observance of, 10, 13, 15, 17, 20, 24, 28, 112, 113.
No. 16. Lootzenhizer, Oliver, to amend authorizing, 21, 26, 29, 37, 43, 47, 52, 61
No. 26. License, to amend, 35, 38, 46, 48, 89, 93
No. 45. Lost Goods and estrays, to repeal, 71, 106, 107
No. 46. Legislative Assembly, relating to, 76, 81, 83.
No. 53. Leins, Securing, 96, 113, 114, 117
No. 57. Locating seat of Government in and for the Territory of Montana, 110, 112
No. 2. Militia, creating, 7, 11, 12
No. 29. Montana Flume & Mining Co., incorporate, 40, 53, 58
No. 41. Madison Irrigation Water Ditch Co., incorporate, 64, 106, 110, 111
No. 21. Ohio Ditch Co., to incorporate, 22, 38, 44, 52, 57, 94, 100, 110
No. 11. Probate Court, Deer Lodge county, regulating terms and fixing places 19, 28, 48, 52, 54, 57, 72
No. 35. Possessory rights, maintaining and defining, 57, 62, 65, 70, 71, 72, 78, 84, 104, 105, 106, 110, 113, 114, 115
No. 48. Pasturing stock, to prevent, 82, 92, 96, 114, 116, 117
No. 36. Quartz mining regulating, amend, 59, 64, 66, 67, 107, 109, 116
No. 7. Roads, incorporate Ophir to Helena, 12, 14, 18, 25, 58, 61, 81, 113, 116
No. 37. Religious Societies, to invest, 59
No. 59. Revenue law, to amend, providing for collection, 114, 116, 117, 118

No. 12. School, common, establishing, 20, 26, 36, 44, 56, 104
No. 34. School, common system to establish, 57, 75, 79
No. 47. Schools, creating fund for, 78
No. 15. Ten Mile and Last Chance Consolidated Ditch Company, 21, 26, 36, 39, 46, 54, 58, 61, 123, 124
No. 24. Toll road, authorizing F. Jamison to maintain, 27. 56, 58, 59, 60, 81, 86.
No. 42. Trout fishing, to repeal, 64. 67, 68, 76, 80, 81, 92, 94, 95
No. 6. Vivion county, creating, 12, 13, 14, 15, 22, 25, 27, 57, 68, 85, 91, 102, 105, 110, 111
No. 13. Virginia City to incorporate, 21, 26, 36
No. 10. Water Ditch Company, Jefferson, to incorporate, 19, 26, 29, 42, 44, 46, 53, 59
No. 38. Wagon Road Company Eldorado and Diamond City, to incorporate, 63, 104, 113, 117
No. 50. Weights and measures concerning, 96, 105, 108

COUNCIL BILLS.

No. 1 Anditor and Treasurer, defining duties, 76, 77, 81, 83, 85, 93
" 2 County Treasurer, defining their duties and payment of County warrants, 19, 20, 22
" 10 Clerks of District Courts, requiring to give bonds, 61
" 41 Civil cases, prescribing the mode of arresting individuals, 63, 67, 70, 71
" 47 County officers, relating to, 88
" 49 County license, defining, 60, 61, 74
" 50 Capital adition town company to incorporate, 121
" 59 County Commissioners, authorizing to fund the county debt, 76, 88, 89, 96, 97, 100
" 61 Crawford & Horner, authorizing to maintain a bridge on Jefferson river, 71, 74, 88
" 3 Decents and distributions, concerning, 19, 21, 22, 31
" 4 Divorce and alimony, 27, 29, 30
" 20 Divorce, Reswick Peter and Eliza, 39, 41, 45, 78, 80
" 28 Defining boundary lines in M. T., to amend, 35, 38
" 32 Divorce, Thomas and Emily Thoroughman, 27, 31
" 34 Divorce, Allen and Annette Anson, 30, 34, 35, 46
" 37 Divorce, Margaret Malony and D. Malony, 41
" 38 Divorce, F. A. and F. Richardson, 41
" 42 Divorce, Sarah A. and George W. Shell, 45
" 67 Divorce, Richardson, 88
" 73 Damages, defining the manner, 103, 105
" 70 Divorce and alimony, concerning, 103, 108, 110
" 43 Fire Insurance, Montana Mutual, 60, 63, 65, 78
" 45 Flat Head River Ferry Company to incorporate, 71, 12, 110
" 46 Ferry Company, Prickley Pear, 94, 103, 114
" 53 Ferry on Missouri river, 95, 98, 110, 111, 114
" 51 Fery on Missouri river, authorizing Tolbert & Rice to maintain, 80, 81, 93, 99
" 17 Gallatin, to divide, 41, 46, 47, 60
" 33 Gold Hill Mining and Tunneling Company to incorporate, 74
No. 21 Jurors concerning, 51, 82, 85
" 25 Lost Goods and Estrays, to amend, 86, 102
" 66 License, concerning, 88, 89, 93, 99, 100, 106, 121, 110
" 9 Marshall Ferry and Bridge Co., 30, 34, 45, 64, 66, 68, 88
" 52 Members of the Legislature, to increase, 68, 76, 78
" 68 Madison Ditch Co. to repeal, 101.
" 76 Malfeasance in office, concerning, 120
" 55 Offices, creating, 82, 90, 94.
" 13 Probate Court, defining jurisdiction of, 68, 82, 85
" 58 Partnership, limited, 111, 114, 115
" 69 Proceedings in civil cases, to regulate, 101
" 16 Rocky Mountain and N. Y. Exploring, Prospecting, and Mining Co., 20, 27
" 62 Road, Telegraph, Montana and Pacific, to incorporate, 106, 108
" 72 Road, Blacktail Deer and Helena, to incorporate, 104, 106, 107, 110
" 35 Sun River Bridge Co., to incorporate, 74
" 57 Surveyors, county, defining duties, 79
" 7 Toll Road, to authorize Rockfellow, Maltby & Creighton to construct, 30, 34, 39, 55, 58, 62, 86, 101, 104, 107
" 12 Toll Road, to establish from Rea city to Pacific city, in Deer Lodge county, 41, 42, 47, 105, 121
" 18 Toll Road, authorizing Mead and others to construct, 23, 27, 28, 50, 51, 61
" 56 To enable Road, Ditch and other Companies to become bodies corporate, 71, 75, 97, 98, 103, 114
" 71 Toll Road, P. W. McAdow and others authorized to establish, 110, 111, 112, 113, 114
" 65 Virginia City charter, to amend, 88, 90, 92, 100, 105, 106
" 5 Weights and Measures, concerning, 19, 21, 22, 24, 38, 46
" 24 Wagon Road Co., Beaverhead, incorporated, 51, 54, 55, 57, 62, 78, 79
" 54 Wagon Road Co., Big Blackfoot and Fort Benton, 76, 104
" 19 114, 115, 118, 121
" 75 115, 117, 118, 119, 120, 125

HOUSE JOINT MEMORIALS.

No. 1. .....119, 121, 123
No. 2. .....118, 119

COUNCIL JOINT MEMORIALS.

No. 1. 51
No. 3. 82
No. 5. 121

HOUSE JOINT RESOLUTIONS.

No. 1. .....16, 21
No. 3. .....35, 40, 57, 59, 65
No. 12. .....79, 110, 111
No. 15. .....97, 101, 105, 106
No. 16. 107
No. 17. .....109, 113, 117
No. 18. 114
No. 19. 114
No. 20. 121
No. 21. 123

COUNCIL JOINT RESOLUTIONS.

No. 2. .....29, 31, 36
No. 5. 114
No. 7. ..... 63, 64, 65, 71, 74
No. 10. 114
No. 13. .....94, 101
No. 14. 104
No. 15. 104
No. 18. ....109, 113, 114, 117, 118, 120, 122
No. 19. .....109, 113, 114, 118
No. 20. .....114, 115
No. 21. .....114, 115
No. 22. .....114, 115, 118 119, 123
No. 24. .....119, 120, 123, 124
No. 25. 123
No. 27. 124
No. 28. 124

JOINT RESOLUTIONS.

No. 4. .....42, 60, 62, 71, 121
No. 5. .....45, 50, 62, 64
No. 6. Organic Act, to amend, 61, 62, 64, 66 86, 89
No. 8. ..... 68, 99
No. 9. .....68, 75, 79, 80, 81
No. 10. .....68, 80, 84
No. 11. ..... 76, 77
No. 14. .....94, 95, 97, 99, 101, 105, 108

MESSAGES AND REPORTS.

Message, Governor's, 16, 23, 24, 30, 31, 36, 38, 48, 69
Rules Reported, 8, 10, 72, 78, 95, 98, 108, 125
Report, Auditor, ... 36